

New Hampshire's
State Advisory Committee
on the Education of Children with Disabilities
FY 2011 – 2012 Annual Report



State Advisory Committee on the Education of Children with Disabilities
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Introduction

NH's State Advisory Committee (SAC) on the Education of Children with Disabilities

SAC is NH's State Advisory Panel, required by the Individuals with Disabilities Education Act (IDEA) to advise the State Education Agency on the unmet needs of children with disabilities in the state.

The purpose, requirements for membership, terms, duties and meetings are detailed in NH's Chapter 186-C:3-b. The requirements in RSA 186-C:3-b are in compliance with the IDEA, while also reflecting and meeting the unique needs of NH's special education system and children with disabilities.

Status of Special Education in NH

The State Advisory Committee relies on data to inform its understanding of the current status of special education in New Hampshire, as well as to aid the SAC in its selection of priorities. Two documents that were used by SAC, and that are included in Appendix C, are:

- Summary Information from NH's SPP/APR and the 6/2011 Determination Letter; and
- New Hampshire's Part B FFY 2009 SPP/APR Response Table.

The information from NH's SPP/APR sets targets for specific indicators (for example, graduation rates for students with disabilities), and provides empirical data to measure the progress of individual school districts and the state towards each of the established targets. Using this data, NH is able to identify areas that may need additional focus or the redirection of resources. NH is also able to compare our outcome data with that of other states, and to determine if individual school districts may either be utilizing best practices that should be considered for replication, or be struggling and require technical assistance or other response to address the area of concern.

Purpose

The purpose of NH's State Advisory Committee on the Education of Children with Disabilities is covered in RSA 186-C:3-b, I:

I. In accordance with the provisions of 20 U.S.C. section 1412(a)(21) and 34 C.F.R. sections 300.167-300.169, there is established an advisory committee on the education of children/students with disabilities to advise the commissioner of education on issues relating to special education, and to promote communication and cooperation among individuals involved with students with disabilities. In addition, the committee shall review the federal financial participation and the level of state funding to determine their impact on the programs and delivery of services to children/students with disabilities.

Membership

The composition of the SAC is detailed in RSA 186-C:3-b,II:

II. The committee shall be composed of individuals involved in, or concerned with, the education of children with disabilities. A majority of the committee membership shall be composed of individuals with disabilities or parents of children with disabilities. The committee membership shall be as follows:

- (a) Individuals with disabilities or parents of children with disabilities, appointed by the governor.
- (b) Two members of the house education committee, appointed by the speaker of the house.
- (c) Two members of the senate education committee, appointed by the president of the senate.
- (d) One representative of a vocational, community, or business organization concerned with the provision of transition services to children/students with disabilities, appointed by the governor
- (e) One state education official, appointed by the governor.
- (f) One local educational official, who shall be an administrator, appointed by the governor.
- (g) Two teachers, one of whom shall be a special education teacher, appointed by the governor.
- (h) One representative of the department of health and human services involved in the financing or delivery of special education or related services to children with disabilities, recommended by the commissioner of the department of health and human services, and appointed by the governor.
- (i) One representative of the Disabilities Rights Center, recommended by the Disabilities Rights Center and appointed by the governor.
- (j) One representative of the Parent Information Center, recommended by the Parent Information Center and appointed by the governor.
- (k) Two individuals with disabilities who may have received special education services, one of whom may be a high school student, appointed by the governor.
- (l) One administrator of a public special education program, appointed by the governor.
- (m) One representative of an institution of higher education that prepares special education and related services personnel, appointed by the governor.

(n) One representative of a private school approved for special education, appointed by the governor.

(o) One representative of a chartered public school, appointed by the governor.

(p) One individual representing children with disabilities who are home-schooled, appointed by the governor.

(q) One representative from the department of corrections, and one representative from a county correctional facility, both of whom are responsible for administering the provision of special education or special education and related services, appointed by the governor.

(r) A state and a local educational official who are responsible for performing activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431, et seq, appointed by the governor.

(s) A representative from the department of health and human services responsible for foster care, recommended by the commissioner of the department of health and human services and appointed by the governor.

III. (a) Committee members shall be appointed to staggered 2-year terms, and members may succeed themselves.

(b) A chairperson shall be selected by a majority of the committee members on an annual basis.

Openings on the SAC occur each year as members terms expire if they are no longer able to serve. Individuals interested in being nominated for membership on the State Advisory Committee should contact the NH Department of Education or the Chairperson of the State Advisory Committee (see cover page for contact information). Prospective members should identify which legislatively mandated membership category they would like to fulfill. Interested persons who do not fit into one of the open membership categories may wish to work with one of the subcommittees as an ad hoc member.

All SAC meetings are open to the general public, and public comment is welcome and included as part of each meeting agenda.

A complete listing of the members of the State Advisory Committee, along with their roll or agency/organization represented, term and attendance, as well as any current open (vacant) positions may be found in Appendix A. Members of the SAC, with a few specified exceptions are appointed by the Governor.

Duties / Responsibilities

The duties of the SAC are listed in RSA 186-C:3-b,IV:

IV. The committee shall:

(a) Advise the department of education regarding unmet needs within the state in the education of children/students with disabilities.

(b) Provide an annual report to the governor and the state legislature on the status of education of students with disabilities in New Hampshire.

(c) Comment publicly on the state plan and rules or regulations proposed for issuance by the state regarding the education of children/students with disabilities.

(d) Assist the state in developing and reporting such information and evaluations as may assist the U.S. Secretary of Education in the performance of responsibilities under 20 U.S.C. section 1418 of the Individuals with Disabilities Education Act.

(e) Advise the department of education in developing corrective action plans to address findings identified in federal monitoring reports.

(f) Advise the department of education in developing and implementing policies relating to the coordination of services for children/students with disabilities.

Meetings

RSA 186-C:3-b,V describes the requirements for the frequency of State Advisory Committee meetings. The SAC appreciates the support provided by the NH Department of Education in accordance with RSA 186-C:3-B, VI:

V. The committee shall meet at least quarterly or as often as necessary to conduct its business.

VI. The department of education shall provide administrative support for the committee.

The schedule for meetings of the State Advisory Committee, as well as minutes for previous meetings, is posted on the NH Department of Education's website, on the dedicated SAC page: http://www.education.nh.gov/instruction/special_ed/sac.htm, and in House and Senate calendars, published during the legislative session. Information may also be obtained by contacting the NH Department of Education, Bureau of Special Education at (603) 271-3741.

All meetings are open to the general public, and unless otherwise noted, are held at the NH Department of Education, Londergan Hall, 101 Pleasant Street, Concord, NH. Every meeting includes opportunities for public comment at the beginning and end of the meeting. The SAC appreciates the input the general public provides by commenting on the committee's priorities and/or other issues they wish to bring to the committee's attention. In addition to speaking at a SAC meeting during the public comment segments of the agenda, interested persons may also provide written input to the SAC. The State Advisory Committee respectfully requests that persons wishing to comment publicly at a SAC meeting please follow the guidelines below:

- Be factual and objective; please do not mention a student and/or school staff by name;
- The SAC appreciates hearing about positive experiences, "success stories", and best practices, as well as concerns with the status of the education of children with disabilities, new or emerging needs, or situations that may warrant further consideration; and
- Limit comments to no more than five minutes. If there is an issue that may need more extensive discussion you may want to request that it be added as an agenda item at a subsequent SAC meeting.
- Please note that the SAC is not able to intervene in situations having to do with individual students, but to the extent these issues may have broad implications for children with disabilities (even if limited to a specific age or disability group, geographic area, or topic), the SAC appreciates the public's assistance in making the SAC aware of the issue(s).

During this reporting period, the SAC held regular meetings in September, November, January, February, March, April, May and June to share information, discuss concerns, gather information on emerging topics, review committee reports, respond to the committee's identified priorities, as well as any new or emerging needs, and make recommendations for further action.

The September meeting was the State Advisory Committee's annual retreat, where the members identified the current needs, issues and priorities on which the SAC planned to focus during the year (see the "priorities" section on page 9 for more information).

Meeting agendas always include welcome and introductions of members and guests; review and approval of minutes from the prior meeting; public comment at the beginning and end of the meeting; announcements and correspondence to the SAC; current events; an update from the State Department of Education, Bureau of Special Education ("the Bureau"); old business and new business; reports from subcommittees and an opportunity for subcommittees to meet or to schedule a meeting outside of the monthly SAC meeting; and presentations by the Bureau or other invited guests, as requested by SAC members to assist the committee in the fulfillment of its responsibilities. A template for the regular SAC meetings may be found in Appendix B.

Organization

While the State Advisory Committee appreciates the support it receives from the NH Department of Education, Bureau of Special Education staff, the SAC operates as an independent entity with its composition and responsibilities mandated by statute. Bureau staff is available to clarify the Department's procedures; explain programs and/or initiatives; provide technical assistance, administrative support, statistical data, and other background information and documentation requested by the SAC.

Minutes are taken at each State Advisory Committee meeting; they are distributed in draft form by email to each SAC member and approved at the next meeting. Approved minutes are posted on the NH Department of Education's website on the designated SAC web page. Hard copies of the minutes are distributed at the next meeting, and are also available from the Bureau of Special Education upon request.

The first meeting of each fiscal year is held in September and is in the form of a SAC retreat. At this year's retreat, the State Advisory Committee formed two types of subcommittees: issue-oriented and organizational subcommittees.

The State Advisory Committee utilizes a structure that relies on subcommittees to study and report on specific issues identified by the SAC. Some subcommittees meet for a limited period of time, while others continue their work throughout the year or even into the next year.

Organizational subcommittees are intended to be either of short-term duration or to require minimal time of subcommittee members. The issues addressed by organizational subcommittees are those that impact the structure or function of SAC, or that provide a benefit to SAC members (i.e. membership, public relations, member development opportunities).

For the issue-oriented subcommittees, SAC members listed the issues they believed should be priorities for the committee. After the full State Advisory Committee discussed these issues, the members then narrowed the list to no more than 3 – 4 significant areas where NH is struggling, that have been identified as compliance issues from the US Department of Education's determination letter or other source, or issues that have been brought to the attention of the Bureau of Special Education or the SAC.

Based on the priorities identified at the annual retreat, subcommittees were formed. SAC members self-selected the subcommittee(s) on which they wished to serve, based on their interests, expertise and concerns. Each SAC member is expected to serve on at least one subcommittee, with the exception of representatives from the House and Senate Education committees, who contribute substantial amounts of time in service to the State of NH as members of the General Court.

Subcommittees that met during this reporting period included:

- Membership Subcommittee
- Public Relations Subcommittee
- Relationships Subcommittee
- SAC Policies and Procedures Subcommittee
- Legislative Subcommittee
- CHINS Subcommittee

Additionally, State Advisory Committee members serve as liaisons between the SAC and other advisory groups.

- Susan Marcotte-Jenkins was SAC's liaison to the Interagency Coordinating Council (ICC)
- Raymond Dailey was the SAC liaison to the Indicator 8 Parent Involvement workgroup.

These two groups (the ICC and the Indicator 8 workgroup) have a direct relationship to the SAC's responsibilities and/or priorities. The SAC liaison's involvement facilitates the smooth and effective sharing of information between these groups and the SAC.

Active subcommittees report to the full State Advisory Committee at each meeting, including, as applicable, a written report of the status of the subcommittee's work and recommendations. Reports from each subcommittee are included in the next section, "Subcommittee Reports".

When a subcommittee recommends the SAC take action, the action may take the form of:

- further study and research;
- discussion and analysis by the full committee;
- requests for additional data from the NH Department of Education or other state departments, agencies and/or organizations;
- written communication, which may include an inquiry, request or recommendations, to the State Board of Education or Commissioner of the NH Department of Education;
- solicitation of public comment (could be through a forum, survey or other format);
- public comment by the SAC on the issue; or
- a decision to change the focus or charge of the subcommittee to better address the current issues, needs or concerns related to the unmet needs of children with disabilities.

At the retreat, SAC members also developed a schedule for regular SAC meetings. In the past, meetings have generally been held for 3 hours. This year, the committee decided to try to have most meetings last for 2 hours, with the understanding that some meetings may need to take an additional hour. It was agreed that regular meetings would be held from 4:30 to 6:30 pm at the NH Department of Education in Concord, with an additional hour set aside to be used if needed.

Priorities

At the September retreat, the SAC members identified the following priorities:

- CHINS
- Public Relations / Relationships (involving interagency resources available to support the education of children with disabilities); and
- Legislation.

Other issues that were identified by SAC members as being important, but that were not among the top 3 priorities, based on the vote of SAC members, were:

- Impact of budget and state/local levels
- What is working – NH’s successes (including dispelling myths/misinterpretations)
- Placement and Supports to enable LRE
- Incarcerated persons with disabilities

At subsequent meetings, the SAC identified concerns with the NH Department of Education’s LRE/placement data and agreed that the data needs to be collected in a way that ensures it is consistent and has integrity.

Additionally, the SAC determined that the following priority areas should be monitored, to the extent we the committee is able to do so:

- LRE (least restrictive environment)
- SPP/APR
- Complaint and dispute resolution; and
- Special education finance.

Subcommittee Reports

Process Used by Subcommittees

At the September retreat, each issue-oriented subcommittee met and participated in a group exercise to define the focus of their subcommittee. They were responsible for:

- framing their issue,
- identifying the committee’s desired outcome,
- describing the steps the committee planned to undertake in order to achieve the outcome;
- deciding how they would inform the SAC about the committee’s work, and
- specifying any other information or resources the subcommittee planned to utilize.

Membership Subcommittee

Members of the Membership subcommittee: Michelle Rosado, Candace Cole-McCrea, Joan Holleran, Sarah Cooley and Bonnie Dunham.

This committee's first priority was to update the membership list so that it was current and included the members' terms, committees on which they serve, and roles/agencies they represent so that gaps or vacancies could be identified. Once this list was updated and in draft form, it was provided to all members so that they could review the document and make any corrections. The committee's goals included ensuring that the membership was complete and in compliance with statutory requirements, including having a majority of members being parents of individuals with disabilities, up to age 26.

During the period covered by this report, the following vacant positions were filled:

- Maureen Tracey representing an institution of higher education that prepares special education and related personnel;
- Eileen Liponis representing chartered public schools;
- Catherine Meister representing the Department of Health and Human Services, responsible for foster care;
- Ross Cunningham, representing a County Correctional Facility, responsible for administering the provision of special education and related services; and
- Michael Pinard, a parent of a child/children with disabilities, birth to age 26.

The following categories currently have vacancies:

- one local education official, who shall be an administrator;
- one individual representing children with disabilities who are home schooled;
- one representative of a private school approved for special education;
- a representative from the state juvenile agency; and
- parents of children with disabilities (up to age 26).

Some strategies identified by the subcommittee were: making every SAC member aware of the vacancies on the State Advisory Committee so they could identify potential candidates to fill the vacant positions; and increasing the public's awareness of SAC. The committee discussed sending a letter, signed by the chair, to schools and other entities; including information in newsletters; and highlighting the SAC and any vacancies on the committee in the Department of Education's key messages. To increase the comfort level of prospective/new members, it was proposed that a "veteran" SAC member be paired with a new member for support /mentoring.

At the January meeting, SAC members finished giving the membership subcommittee their updated information. The list of members, including the members' contact information, terms roles and organizations/agencies represented, and subcommittees was completed and distributed to members at the February meeting.

One significant issue that was brought to the State Advisory Committee's attention was that the names and contact information for the representatives from the House and Senate Education committees, who were appointed after the FY year had begun, were not forwarded to the NH Department of Education, Bureau of Special Education. This led to these members not receiving meeting reminders from the Bureau. The names of the appointed representatives from the House and Senate Education committees were only discovered through the efforts of the membership committee. This issue brought to light the urgent need to have a process for the State Advisory Committee to be notified when representatives from the House and Senate Education committee are appointed to serve on State Advisory Committee. The State Advisory Committee sincerely regrets the inadvertent omission of these appointed members from the list of SAC members, especially as the oversight impacted their receipt of meeting reminders.

One recommendation is to send a letter to the currently appointed SAC members from the House and Senate Education committee before the September retreat inviting them to attend that meeting and to continue attending until a new representative is appointed to the SAC in their place. Immediately after the November election, it will be important for the chair of SAC, along with perhaps one or two additional members, to meet with the chair of the House and Senate Education committees to discuss the important role the representatives from those committees to SAC and to either be informed of the names of their appointees to the SAC or to establish a protocol for them to be notified when an appointment has been made.

Prior to the June meeting, emails were sent out to members who has missed several meetings during the year to emphasize the importance of their role on the SAC and encouraging them to attend the June meeting, where preliminary discussions on the next year's priorities would be held as part of the agenda for the meeting. An email was sent to all SAC members listing the vacant membership categories and asking for their assistance in identifying prospective candidates to fill those vacancies. Emails were also sent to new nominees to the SAC, welcoming them to the committee and expressing the importance of their involvement to ensure that the committee has the diversity and broad representation it needs to consider all perspectives and utilize all available resources as it fulfills its responsibilities to advise the NH Department of Education on the unmet needs of children with disabilities.

Public Relations Subcommittee

Members of the Public Relations subcommittee: Bob Blodgett, Kestrel Cole-McCrea, Stacey Dailey, Rebecca Ladd, and Kerri-Lynn Kimner.

The goal of this committee was to build public awareness of the State Advisory Committee. Ideas included creating a flyer to distribute to target agencies (i.e. Parent Information Center, PTAs, etc.), making name tags for SAC members, developing a draft logo for SAC, and working with the Policies and Procedures subcommittee on the vision statement to use in publicity. Based on ideas generated by the subcommittee, and using the format of previous SAC brochures, a draft SAC brochure, "Getting to Know New Hampshire's State Advisory Committee" was presented for consideration by the SAC. The draft brochure (which has not yet been approved by the full SAC) is included in Appendix C.

Relationships Subcommittee

Members of the Relationship subcommittee: Michelle Rosado, Joan Holleran, Raymond Dailey and Renea Sparks.

The goal of this subcommittee was to conduct an analysis of existing data and fact patterns to determine if the supports available meet the needs of NH children with disabilities. The committee's first step was to work on identifying available resources for school districts through the NH Department of Education and the Department of Health and Human Services to support the education of children so they can advise the NH Department of Education of unmet needs and assist the Department in an advisory capacity in developing and implementing policies relating to the coordination of services for children/students with disabilities. Steps identified by the committee to achieve the goal included gathering data from relevant sources, analyzing data, developing conclusions about the data and formatting recommendations based on those conclusions.

The committee identified potential partners: the NH Department of Education Department of Health and Human Services, Area Agencies, school districts and the Institute on Disabilities.

SAC Policies and Procedures Subcommittee

Members of the SAC Policies and Procedures subcommittee: Raymond Dailey and Renea Sparks.

The focus of this subcommittee was to have State Advisory Committee meetings be as smooth and productive as possible. They discussed setting expectations for how members should conduct themselves at meetings, establishing procedures, ensuring a quality agenda, and the possibility of conducting a norm setting exercise for the group. The subcommittee also considered the benefits of using “Robert’s Rules” at meetings. Based on the structure and resources of the State Advisory Committee it was decided not to use “Robert’s Rules”, but rather to follow consistent established guidelines for the meetings. These guidelines included having meetings start on time, and members getting the agenda for the meeting and then the meeting minutes in a timely manner. The subcommittee also discussed the possibility of creating a vision or mission statement for the SAC.

Given that some issues that come before the SAC are time-sensitive, options to facilitate members voting on these issues were discussed. While there was interest exploring voting by email or telephone polling, it was agreed that to comply with the right-to-know law and to ensure open and transparent processes, that all votes would need to be conducted at regularly scheduled meetings. In response to an extraordinary situation that may require a decision before the regularly scheduled meeting, the SAC could conduct a special meeting, as long as appropriate public notice was provided.

Legislative Subcommittee

Members of the Legislative subcommittee: Bonnie Dunham, Kerri-Lynn Kimner, Sue Marcotte-Jenkins, Sarah Cooley, and Candace Cole-McCrea.

The goal of this subcommittee was to review and inform the SAC about legislation, rules and/or regulations that impact the education of children with disabilities, the funding of special education, and other issues that relate to the responsibilities of the SAC with a goal of supporting legislation on existing, new or emerging issues that will have a positive impact (i.e. improved outcomes, enhanced opportunities) on children with disabilities and the individuals who support the education of children with disabilities, including their families, educators and service providers.

The committee also discussed identifying unmet needs of children with disabilities that are not being addressed by current or proposed legislation and considering requesting that a Senator or Representative introduce legislation to meet those needs.

Potential partners (sources of information, collaboration assistance or resources) identified by the subcommittee included: Senators and Representatives who are members of the SAC, members of the Education and or Finance Committees, other members of the General Court or Executive branch of NH's government, and agencies impacted by legislation, rules or regulations that are subject to existing, filed or proposed legislation (i.e. NAMI-NH, Area Agencies, the NH Association of Special Education Administrators (NHASEA), NH Department of Education, and Parent Information Center).

At each regular monthly SAC meeting, the legislative subcommittee provided a report on the status of House and Senate bills that had a potential impact on special education. The report included the bill #, title, sponsor(s) and analysis from the NH.gov website. Dates of any upcoming public hearings, work group meetings or executive sessions related to these bills were also included in the report to facilitate the involvement of any SAC member wishing to attend a hearing or session. The monthly report also included the names of members of the House and Senate Education and Finance committees.

The special education-related bills followed by the committee were: HB 219, HB 309, HB 1268, HB 1325, HB 1360, HB 1372, HB 1377, HB 1413, HB 1517, HB 1564, HB 1571, HB 1583, HB 1607, HB 1713, SB 300, SB 372, and CACR 12. . An updated report of the status of the bills being followed is included in Appendix C.

At the January meeting, members of the State Advisory Committee voted to recommend that the Commissioner oppose 3 bills: two that would substantially reduce resources available to local school districts (HB 1413 and HB 1517) and one that would place severe restrictions on the NH DOE and State Board of Education in the rulemaking process (HB 1360). A letter to that effect was sent to the Commissioner on behalf of the SAC.

For the benefit of SAC members wishing to become more involved in the legislative process, or seeking a user-friendly resource to share with their stakeholder groups, the Parent Information Center distributed, "Golden Rules for Dealing with Elected Officials" (see Appendix C).

The exact text of each bill, as well as the bill's analysis, current status and a listing of public hearings, meetings, work sessions, executive sessions and votes may be accessed on the NH General Court's webpage: <http://www.gencourt.state.nh.us/>. If searching by the bill number, it is important that there be no space between hb (house bill) or sb (senate bill) and the bill number in the search field. Bill searches may also be conducted using the name of a bill's sponsor or by searching for text that may be found in the bill (i.e. key words or phrases, such as "special education").

CHINS Subcommittee

Members of the CHINS subcommittee: Stacey Dailey, Kestral Cole-McCrea, Bob Blodgett, Mike Pinard and Gilbert Oriol.

This subcommittee's focus was on raising awareness of the changes in the CHINS (Child in Need of Services) statute (RSA 169-D), and the potential effects these changes might have on children with disabilities and special education in NH. The State Advisory Committee expressed strong concerns that the changes in the definition of a "Child in Need of Services" and the requirements for filing a CHINS petition that would go into effect on September 30, 2011 could have significant implications on special education. It was identified that these changes would affect over 500 school-age children.

The committee determined to first identify the changes and present that information to the SAC to determine if, and how, the issue directly impacts NH students with disabilities, or if it is primarily an issue that affects children without disabilities and therefore is outside of the purview of SAC. Based on that information, the committee then determined the appropriate role, if any for the SAC. The subcommittee would also facilitate a discussion of the full SAC to identify steps to address areas of concern.

The subcommittee identified the following potential partners and/or resources: NH Department of Health and Human Services, NH Judicial Branch -Juvenile Delinquency / CHINS, NAMI-NH, NH Department of Education, Parent Information Center, Disabilities Rights Center, and other community outreach programs.

At the January meeting, the committee reported that no one seemed to be tracking those students who are served under CHINS who are also identified as children with disabilities; it appears that this is only done at the local level and not as part of any statewide database. It is possible that there is a breakdown in the data at the judicial level where it may be seen as confidential information being given at that judicial level. However, it may alternatively or also be an educational issue, particularly if the behavior is a manifestation of the child's disability, or if a determination of manifestation needs to be conducted. One recommendation is to ensure that the child's educational information is available, where appropriate during judicial proceedings, including CHINS. The subcommittee has concerns that the new language in the CHINS statute is too extreme, and may lead to parents and schools not utilizing that system.

The subcommittee found that a typical year previously had about 1000 CHINS filings. During the first month after the changes to the CHINS statute went into effect only 40 filings were on record. If this rate remained consistent (became the norm), that would mean that there would be approximately 500 CHINS petitions filed each year. It has not been possible for the subcommittee to determine how many children with disabilities are included in that number. This lack of data has been extremely problematic for the subcommittee.

The group considered contacting school districts to obtain information about the number of CHINS petitions filed each year and how many of those are for children with disabilities. After discussion, it was decided that the committee would seek input from other SAC members and draft a survey to obtain information about CHINS and children with disabilities. After receiving input from the full State Advisory Committee, the CHINS subcommittee anticipates narrowing the survey down to no more than 5 questions. Some of the questions being considered are:

- How many CHINS are you filing this year as compared to last year?
- Has the language change [in the CHINS statute] affected your school district/agency?
- What has happened to the students who you would have filed a CHINS on but cannot this year due to the language change?
- What percentage of children in your district who are involved with CHINS are children with disabilities? Has that percentage changed since the CHINS statute was revised?

Before the subcommittee finalizes their decision to conduct a survey and the questions to be included in the survey if one is conducted, they wanted to first gather additional information so they could ensure the SAC was making informed decisions. In April, subcommittee member Gil Oriol provided the SAC with data on CHINS cases that were open in 2011. Of the children who had CHINS petitions filed on their behalf, 25% were coded (identified as eligible for special education). It was noted that in larger cities, the number rises to 35%. A “snapshot” of the data showing the open cases in June 2011 may be seen below (adapted from a PDF document provided to the SAC by Gil Oriol):

452 – ALL YOUTH INVOLVED IN CHINS CASES OPEN DURING JUNE 2011			
DO [District Office]	Not Coded [Students]	Coded [Students]	Grand Total
Berlin	-	2	2
Claremont	13	2	16
Concord	14	2	16
Conway	11	-	11
Keene	29	12	41
Laconia	26	12	38
Littleton	14	2	16
Manchester	53	20	73
Nashua	77	19	96
Portsmouth	57	19	76
Rochester	29	9	38
Salem	16	7	23
State Office	3	2	5
SYSC	1	-	1
Grand Total	343 (75.88%)	109 (24.12%)	452

Now that the subcommittee has concrete data, they will decide how to use that data to more fully consider the issue of if the statutory changes to CHINS have affected children with disabilities, school districts and education resources, and if so, how and to what extent. During the discussion of the issue at the April SAC meeting, it was speculated that there may be an increased reluctance by parents to have their children “coded”.

Renea Sparks offered to gather information from other special education administrators on their experiences and insights on this issue. With the data the subcommittee has gathered, she recommended drafting a letter to send to special education administrators. She is also willing to survey special education administrators at their annual Academy in August. Candace Cole McCrea suggested surveying police chiefs, and Joan Holleran suggested looking for summer college interns in collaboration with Institute on Disability (IOD) to help conduct surveys.

Maureen Tracey from the Institute on Disability, UCED, at the University of New Hampshire, whose work involves children with behavioral challenges provided anecdotal feedback on one student’s experience when he/she was involved with a CHINS petition. Santina Thibedeau, administrator of the Bureau of Special Education discussed the complex and sometimes conflicting viewpoints related to CHINS. One overarching question is, given the unique needs of children with disabilities who experience emotional/behavioral disabilities, how to serve these children and children without disabilities who are engaging in significant problematic behavior without blending the two groups together. Other questions would collect information on how have school districts have had to change their programs/policies, and whether they now have to offer services that were previously provided through CHINS.

The CHINS subcommittee’s work will extend into the next reporting period for the State Advisory Committee (9/2012 – 6/2013).

As a separate, but somewhat related issue, there were questions raised about students with disabilities who are incarcerated in the County Houses of Corrections. The State Advisory Committee may ask a representative of the House of Corrections talk to the SAC about students with disabilities who are involved in that system.

Reports from SAC Liaisons

Liaison to the Interagency Collaborating Council (ICC)

Susan Marcotte-Jenkins serves as the State Advisory Committee’s liaison to the ICC. During this reporting period, Sue provided the SAC with new resource materials from the ICC. She also reviewed the role of the ICC, gave a brief overview of the Early Childhood Advisory Council (SPARK NH) and its work, including their newsletter and their soon-to-be available website.

Sue informed the SAC of the issues being addressed by the ICC, including possible cost-sharing for early supports and services (ESS). She emphasized that ESS cannot deny service to a child/family based on their ability to pay. The ESS Service Delivery work group is studying practices and opportunities that may result in greater cost efficiency.

The OSEP verification visits for Part C have been cancelled. Early Supports and Services is also in the midst of reviewing NH's ESS Rules to ensure they comply with the newly published revised regulations for Part C of IDEA (the part of IDEA that applies to services for infants and toddlers, birth to age three). It is anticipated that the realignment of the State rules will be done by June 2013, and that the impact on services will be minimal (it generally involves primarily changes in language). NH's Part C rules were last revised in 2009. Bonnie Dunham from the SAC, representing the Parent Information Center, will participate in some of the workgroup meetings to revise NH's Part C rules.

Sue also shared that the Family Outcomes survey for families participating in ESS is now available electronically, and updated the SAC on the status of NH's shift to managed care and how that may impact ESS. The ICC has current openings; SAC members can support the ICC by passing that information along to parents of children who are currently receiving early supports and services and who may be interested in serving on the ICC.

Liaison to the Indicator 8 Parent Involvement Workgroup

Raymond Dailey serves as SAC's liaison to the Indicator 8 Parent Involvement workgroup. During the period covered by this report Ray attended regular meetings of the Indicator 8 Parent Involvement workgroup meetings, and provided updates, including an overview of the parent survey process for this year, to the State Advisory Committee at the SAC meetings. He reported that the workgroup found that districts are really looking at data and how they can do things better. He was impressed with the great ideas coming out of the group. Indicator 8 is meant to bridge the gaps.

One question asked by SAC members was whether chartered public schools are included in the survey. Renea Sparks explained the process in their school district where their out-of-district coordinator is responsible for getting surveys to students enrolled in chartered public schools. Eileen Liponis, Director of the NH Public Charter Schools Association would like to get more information to send out to her charter schools. Bonnie Dunham suggested that one of the NH Department of Education's projects, NH Connections (conducted by the Parent Information Center) would be a helpful resource for the NH Public Charter Schools Association.

Activities / Accomplishments of the SAC

During the period covered by this report, the State Advisory Committee and its members:

- Increased the membership of the SAC, adding 4 new members
- Were made aware of NH Department of Education, Bureau of Special Education's projects and initiatives. SAC members are then able to promote awareness of, and participation in, initiatives such as the parent involvement survey.
- Were provided with an update on preschool special education by Ruth Littlefield. An input group is exploring the issue of least restrictive environment for preschool students with disabilities. Ruth discussed looking at where preschools are located and whether students are able to attend with their typical peers. She discussed the preschool outcomes and the tools that the districts use. Ruth also shared information about family engagement with preschools with disabilities, and the role being played by the Department of Education's Office of Early Childhood Education.
- Raymond Dailey attended the Learning Ally presentation sponsored by the Bureau of Special Education and Learning Ally. Santina explained the role of Learning Ally, as well as the free membership to all districts to Learning Ally.
- Candace Cole-McCrea made the State Advisory Committee aware of the work the Cocheco Charter School on the Seacoast has done to develop a memorial at Laconia State School. The students at the Cocheco Charter School were involved in designing artwork, music, etc. for a local cemetery for residents of Laconia State School who had died. The memorial, created with the involvement of residents and staff from the school, will honor the lives of these individuals. The theme for the work of the Cocheco Charter School students was: civil rights for youth with disabilities.
- Provided information that was included in a statewide newspaper's (Hippo Press) feature article on special education, "Ready To Learn: How special education works in NH" by Jeff Mucciario (March 1, 2012). The article's intent was to increase public awareness of special education. Bonnie Dunham of SAC and Santina Thibedeau were both interviewed for the article. The Hippo Press reports that they print and distribute 32,000 copies of their newspaper each week. Their website notes, "more than 206,000 people read the Hippo from all over Southern New Hampshire and northern Massachusetts".

During her “Bureau update”, Santina Thibedeau provided the State Advisory Committee with information on topics including:

- Introducing SAC to new staff at the Bureau of Special Education.
- How the NH Department of Education and local school districts used the ARRA funding they received over the prior two years (NH has completed its reporting to the US Department of Education). Santina reported that one frequent use of the ARRA funds by school districts was to purchase IPADs for students. Studies have shown that students with learning disabilities can really benefit from this new technology.
- The NHAIM (NH Accessible Instructional Materials). She also reviewed the new *Learning Ally* membership offer that is available free to the districts, and noted that post-secondary institutions have also taken advantage of this technology.
- Upcoming workshops, trainings, staff development opportunities and conferences, including: “Building a System of Care for NH children”, a statewide leadership summit to support student behavioral health (4/17/2012), presented by the Institute on Disability, UCED at UNH.
- A discussion of the article in the Union Leader about the decline of student enrollment; why this is, and what do school districts have to do regarding the decline. Santina has been gathering information about how this is impacting special education. There has been a decrease in IEPs from 2007 to 2011.
- Updates on several Bureau initiatives, including the Master Education Surrogate Parent, NH Family and School Partnership Initiative, NHAIM, Technical Assistance (TA) supports for the Deaf and Hard of Hearing.
- Dan Habib’s new movie “*Who cares about Kelsey*”, about “at risk” students, which received funding support from the Bureau of Special Education. Dan also produced the nationally recognized movie, “Including Samuel”. The NH Department of Education and several SAC members were involved in a group that provided input into the preliminary development of “dialogue guides” to accompany the video and facilitate schools, parents and other stakeholders’ discussions of the video, with the goals of increasing public awareness and encouraging positive systems change. Dan will also be making other supplemental films for training purposes.

Maureen Tracey reported that Dan Habib is willing to show the movie to SAC. Since the movie runs for nearly 1¼ hours, it would necessitate either a special meeting or an adjustment in the agenda for one of SAC’s regular meetings.

Dick Cohen also shared information about upcoming screenings of “Who Cares About Kelsey”. The Disabilities Rights Center hosted a series of showings of the movie at the Red River theatre in Concord. Dick reported that the movie provides a very compelling perspective of a student with significant behavior issues at the high school level. SAC members were referred to the Disabilities Rights Center’s website, www.drcnh.org where they can obtain posters and brochures.

- A review of the process of the APH (American Printing House) count for print disabled and blind students. This years’ count has 211 students who qualify. Each student who qualifies helps in bringing in more dollars/credits to the state. Santina announced that on a national level, Adrienne shoemaker, a teacher of the visually impaired from the Concord School District has been chosen as the 2012 APH scholar. In response to a question by Dick Cohen, it was noted that this count is not limited to students who have IEPs. Students with 504 plans would also qualify for the APH count.
- An update on the “Common Core State Standards”. Santina reported that the NH Department of Education is now seeing some consistency in curriculum throughout the neighboring states and NH.
- Recognition of the graduates of Granite State High School, Santina spoke of their success in the program. Bureau of Special Education staff attended the graduation.
- A report that, per the OSEP memo, school districts will be experiencing a 1.5% reduction in IDEA funds. Santina discussed the supports that the Bureau is offering districts. (Note: this amount was later adjusted to be a 1.89% decrease.)
- Recognition of a 4th grade student who is blind and who was asked to sing at a meeting of the Governor and Council.
- The release of the *NH Deaf Education Guidelines*, a product of the *NH Deaf and Hearing Education Initiative Project*. The project began with issuing an RFP, for which Northeast Deaf and Hard of Hearing Services was awarded the contract. They entered into a two year guideline process which involved a new support for learning, a new structure, identified standards, some IDEA requirements, best practices and how to involve deaf students etc. Two NASDSE experts Gaylen Pugh and Cheryl Johnson attended the meeting in support of the guidelines. They commented that the *NH Deaf Education Guidelines* are the best they have seen. There will be three additional rollouts before the end of June 2012. SAC members asked questions on auditory processing and if they spoke on that at the roll out. Kim Pelkey would be glad to attend a SAC meeting to speak on it.

- A PowerPoint on “*NH Leadership Best Practices in Education.*” SAC members asked for the PowerPoint to be e-mailed to them and also posted to the DOE website.
- A review of the initiative for Data Driven Enterprise (DDE) and their scheduled visit to interview SAC members. The program evaluation conducted by Data Driven Enterprise was an eight month project with the intent of monitoring the Bureau’s program approval, looking at data and how it is collected. Dick Cohen from the Disabilities Rights Center explained the history and intent of the legislation requiring an external evaluation every 10 years and how Data Driven Enterprise was selected.
- SAC members took part in an interview conducted by Mike Warych of Data Driven Enterprise to provide input on NH’s program approval and monitoring processes.
- SAC members arranged for and attended a presentation given by Susan Wagner and Mark Mlawer of Data Driven Enterprises on 6/19/2012 summarizing their Independent Program Evaluation and Quality Assurance report. Seven members of SAC (Dick Cohen, Bonnie Dunham, Renea Sparks, Ray Dailey, Stacey Dailey, Candace Cole-McCrae and Jennifer Evans) attended, along with two Santina Thibedeau and McKenzie Harrington of the Bureau of Special Education, Alan Pardy of the NH Association of Special Education Administrators, Jane Bergeron, Maryanne Byrne and Ed Hendrie from SERESC, and Jennifer Doloff, special education administrator.

Joan Holleran, representative to the State Advisory Committee from the Bureau of Vocational Rehabilitation was asked by OSEP to attend an upcoming conference and to bring a student representative. Joan asked a 17-year old NH student to attend the conference and he agreed. This young man will be speaking with a guidance counselor at the conference and will be speaking to many across the country.

In August, Bonnie Dunham attended the annual OSEP Leadership conference, along with Santina Thibedeau and other staff from the NH Department of Education, Bureau of Special Education and the director of NH’s Parent Training and Information (PTI) Center (Parent Information Center). The OSEP Leadership conference is a multi-day program with general sessions for the entire group, as well as separate workshops intended to meet the needs of parents/parent centers, state education agencies, special education administrators, and state advisory panels (in NH the state advisory panel is called the State Advisory Committee on the Education of Children with Disabilities).

Bonnie also attended the NH State Family Support Conference where she presented as part of a panel on current and emerging issues impacting individuals with disabilities, their families and the service delivery system. Bonnie offered to bring brochures to the conference from any SAC members’ agencies/organizations to be available to participants through the conference’s resource area. Hundreds of parents of children with disabilities attend this annual conference.

Unmet Needs and Recommendations

Members of the State Advisory Committee bring feedback, issues and concerns from the stakeholder groups they represent to the SAC. The committee is then able to discern if the issue is one that falls under the SAC's purview, or if there may be another, more appropriate agency/organization to which the individual/group raising the issue may be referred. If the committee decides that the issue is relevant to SAC's statutory responsibilities and the priorities that have been identified by the year, a follow-up plan is developed. Among the issues brought before the SAC during the period covered by this report were:

- Candace Cole-McCrea reported that she participates on the list serve for graduates of the Institute on Disability's Leadership series. She noted that a number of parents on the list serve have raised complaints about special education issues, and suggested that we might want to invite them to a future SAC meeting.
- Bonnie noted that in previous years, SAC has hosted public forums in various regions around the state to solicit input from parents, educators and others. Some of the forums were topic specific, while others were more general, "what's working; what's not" forums.
- Dick Cohen brought up use of seclusion rooms and suggested that SAC discuss it further. Maureen Tracey added that in her experience seclusion rooms are used with students in younger grades, not so much with high school age students. Several SAC members have also heard concerns related to the use of restraint and/or seclusion rooms (sometimes referred to as "time-out rooms" in an attempt to minimize their impact). There have also been reports of "Rifton chairs" being used as a form of restraint instead of for their intended use.

Candace Cole-McCrea expressed that she would like to see NH be the first state to not rely on suspensions. She would like to see mentoring etc, instead of seclusion.

- Several SAC members expressed an interest in having a guest speaker present to the State Advisory Committee on the topic of auditory processing. It was recommended that we ask Kim Pelkey to be the speaker.
- After reviewing the report from Data Driven Enterprise, the State Advisory Committee will determine what type, if any, of response and/or follow-up activities should be undertaken.

Appendix A:
Membership, Roles and Attendance

State Advisory Committee on the Education of Children with Disabilities – Attendance for 2011 – 2012 Year

SAC – Advising the NH Department of Education – Per RSA 186-C:3-b

Membership Requirement:	Name	Contact Information	Term Expires	Attendance for Meeting Held in:							
				9/11	11/11	1/12	2/12	3/12	4/12	5/12	6/12
2 members of the House education committee, appointed by the speaker of the House of Representatives	Jeffrey St. Cyr	PO Box 779 Alton, NH 03809-0779 (603) 875-5473 jeffrey.stcyr@leg.state.nh.us		<i>Members of the Senate Education committees are not appointed until mid-way through the year</i>							
	Kathleen Lauer-Rego	53 Maple Square Franklin, NH 03235-1351 (603) 934-8223 kathyrago4nh@yahoo.com		<i>Members of the Senate Education committees are not appointed until mid-way through the year</i>							
2 members of the Senate education committee, appointed by the President of the Senate	Nancy Stiles	Legislative Office Building, Room 103-A 33 North State Street Concord, NH 03301 (603) 271-3093 (office) / 601-6591 (h) nancy.stiles@leg.state.nh.us nstiles@comcast.net		<i>Members of the Senate Education committees are not appointed until mid-way through the year. Senator Stiles was appointed as a Representative during her previous term, and has continued her appointment as a Senator. She attended meetings in November & February.</i>							
	Molly Kelley	Statehouse, Room 120 107 North Main Street Concord, NH 03301 (603) 271-3207 molly.kelly@leg.state.nh.us		<i>Members of the Senate Education committees are not appointed until mid-way through the year</i>							
One representative of a vocational, community, or business organization concerned with the provision of transition services to children/ students with disabilities	Gilbert Oriol Director of Child Operations	Lifeshare Management Group, Inc. 175 Ammon Drive, Unit 210 Manchester, NH 03103 (603) 644-6955, ext 19 g.oriol@lifeshareinc.org	Term 1 expires 12/1/12		X	X		X	X	X	
One state education official	Joan Holleran, Administrator of External Relations, Vocational Rehabilitation	NH Department of Education 21 Fruit Street Concord, NH 03301 (603) 271-3530 jholleran@ed.state.nh.us	Term 2 expires 5/4/13	X	X		X	X		X	
One local education official, who shall be an administrator	Vacant										
2 teachers, one of whom shall be a special education teacher	Kerri-Lynn Kimner (is also a parent)	Amherst/Mont Vernon School District- SAU #39, PO Box 849 Amherst, NH 03031 (603) 345-7228 kkimner@sprise.com	Term 2 expires 2/17/13	X		X	X		X	X	
	Bob Blodgett	238 Stage Road Unity, NH 03603 Rblodgett1@msn.com (603) 542-1190 (h) / (603) 991-8556 (c)	Term 1 expires 10/4/13	X		X					

Membership Requirement:	Name	Contact Information	Term Expires	Attendance for Meeting Held in:							
				9/11	11/11	1/12	2/12	3/12	4/12	5/12	6/12
1 representative of the department of health and human services involved in the financing or delivery of special education or related services to children with disabilities, recommended by the commissioner of the department of health and human services	Michelle Rosado, Supervisor III	Dept. of Health & Human Services Bureau of Developmental Services Community Based Care Services 105 Pleasant Street Concord, NH 03301 (603) 271-5149 mrosado@dhhs.state.nh.us	Term 2 just starting	X			X	X		X	
One Administrator of a public special education program	Renea Sparks Director of Special Services	SAU #39, PO Box 849 Amherst, NH 03031 (603) 673-2690, ext 2113 rsparks@sprise.com	Term 1 expires 5/4/2013	X		X	X	X	X	X	
One representative of the Disabilities Rights Center, recommended by the DRC	Richard (Dick) Cohen Executive Director	Disabilities Rights Center 18 Low Ave. Concord, NH 03301 (603) 228-0432, ext. 15 (office) richardc@drcnh.org	New term just starting		X	X	X		X	X	
One representative of the Parent Information Center, recommended by the Parent Information Center	Bonnie Dunham, Vice Chair of SAC	Parent Information Center PO Box 2405 Concord, NH 03302-2405 (603) 224-7005 (w) / 424-4024 (h) / 860-5445 (c) / bdunham@picnh.org bsdunham@comcast.net (home)	Term 1 expires 5/4/13	X	X	X	X	X	X	X	
Two individuals with disabilities who may have received special education services, one of whom may be a high school student	Kestrel Cole-McCrea	60 Ford Farm Road Milton NH 03851 (603) 652-7594 kestrelcole@yahoo.com	Term 1 expires 2/15/12	X		X	X	X	X	X	
	Sarah Cooley	1 Thompson Street – Apt #202 Concord, NH 03301 (603) 715-1716 (h) / 731-8792 (c) SarahJournalist84@gmail.com Sarahzonis84@gmail.com	Term 1 expires 7/1/12	X	X	X		X	X	X	
One representative of an institution of higher education that prepares special education and related services personnel	Maureen Tracey Institute on Disability / UCED University of NH	17 Burt Street Merrimack, NH 03054 (603) 424-9175 / (603) 320-0733 (c) Maureentracey3@hotmail.com	Term 2 expires 6/11/13					X	X	X	
One representative of a private school approved for special education	Vacant										
One representative of a public charter school	Eileen Liponis, Executive Director NH Public Charter School Assoc.	13 Church Street Kingston, NH 03848 (603) 498-2386 Eileen@nhpcsa.org	Term 1 just starting					X			

Membership Requirement:	Name	Contact Information	Term Expires	Attendance for Meeting Held in:							
				9/11	11/11	1/12	2/12	3/12	4/12	5/12	6/12
One individual representing children with disabilities who are home schooled	Vacant										
A representative from the department of health and human services responsible for foster care, recommended by the commissioner of the department of health and human services	Catherine Meister	NH Department of Health and Human Services	Being confirmed for term 1						X		
A representative from the state juvenile agency	Vacant										
A state and a local educational official who are responsible for performing activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431, et seq, appointed by the governor.	Lynda Thistle-Elliott	NH Department of Education Office of Integrated Programs 101 Pleasant Street Concord, NH 03301 (603) 271-3840 lynda.thistle Elliott@doe.nh.us	Term 2 expires 10/4/12			X	X				
	Kim Carpinone	Londonderry School District 268C Mammoth Road Londonderry, NH 03053 (603) 432-6920 kcarpinone@londonderry.org	Being confirmed for term 2								
One representative from the department of corrections, and one representative from a county correctional facility, both of whom are responsible for administering the provision of special education or special education and related services	Daniel Tanguay Education Director	NH State Prison 281 North State Street Concord, NH 03301 (603) 271-1855 Daniel.t.tanguay@nhdoc.state.nh.us	Term 2 expires 6/4/13						X		
	Ross Cunningham Superintendent	Sullivan County Dept. of Corrections 103 County Farm Road Unity, NH 03743	Term 1 expires 12/28/13		X						
Parents of children/students with disabilities. A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities [List continues on next page]	Rebecca Ladd Chair of SAC	38 Knapp Road Piermont, NH 03779 (603) 728-8949 rebeccaladd@hughes.net	Term 2 expires 10/30/12	X	X	X		X			
	Candace Cole-McCrea	60 Ford Farm Road Milton, NH 03851 (603) 652-7594 snowyowl@metrocast.net	Term 1 expires 10/4/12	X	X	X	X	X	X	x	
	Donna Curtin	34 Brickyard Drive Litchfield, NH 03052 (603) 880-1899 Jcurtin01@aol.com	Term 2 expires 10/4/12								

Membership Requirement:	Name	Contact Information	Term Expires	Attendance for Meeting Held in:							
				9/11	11/11	1/12	2/12	3/12	4/12	5/12	6/12
<p>Parents of children/students with disabilities. A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities</p> <p>There are some openings for additional parent members of SAC</p>	Raymond Dailey	39 Mill Lane Hampton Falls, NH 03844 817-8472 (c) / 929-7994 (w) redailey@daileyed.com	Term 2 expires 5/4/12	X	X		X	X	X		
	Stacey Dailey	39 Mill Lane Hampton Falls, NH 03844 (603) 929-7994 (w) sdailey@daileyed.com	Term 1 expires 10/4/12	X	X	X	X	X			
	Colleen Ellis	298 Highrange Road Londonderry, NH 03053 (603) 432-9090 (h) / 505-2971 (c) / 429-1600 (w) / colleenellis@hotmail.com	Term 2 expires 10/30/12								
	Cheryl Paquette	255 Twin Bridge Road New Boston, NH 03070 (603) 487-3636 / 726-6562 (c) cherylpaquette255@comcast.net	Term 2 expires 2/13/13		X						
	Mike Pinard	32 Jacob Ave Hooksett, NH 03106 (603) 622-8137 / 622-2793 mikepinard@comcast.net	Term 1 expires 6/1/13		X	X	X	X	X	X	
	Linda Hunt	786 Bedford Road New Boston, NH 03070 (603) 540-7254 lindamariehunt@comcast.net	Term 2 Expires 2/13/13		X						
	Audrey Burke	6 Pine Crest Road Bow, NH 03304 (603) 860-7015 (c) audburke@yahoo.com	Term 2 expires 10/6/13		X	X					
	Susan Frenette	13 Aglipay Drive Amherst, NH 03031-2131 (603) 598-9213 (h) / 345-9472 (c) sfrenette@comcast.net	Term 2 expires 5/14/13								
	Sue Marcotte-Jenkins	11 Hope Lane Bow, NH 03304 (603) 228-3967 Jenkins9132@comcast.net	Term 2 expires 10/4/13	X	X	X	X	X	X	X	

Guests attending SAC meetings: Santina Thibedeau, Bureau of Special Education (all meetings); Ruth Littlefield, Bureau of Special Education (November); Nick McIntyre, Americorp Intern working on the Homeless Education program (January, February & March); Dana Leeper, Intern working on the Homeless Education program (February & March); Jennifer Evans, considering joining SAC (February); Eileen Liponis, being nominated for SAC membership (March), Catherine Meister, Department of Health and Human Services (April); Alan Party, NH Association of Special Education Administrators (April); and Mike Warych, Data Driven Enterprises (April)

Note: In November, Ross Cunningham was appointed as the representative from the County Houses of Corrections; in March, it was unanimously recommended that Jennifer Evans and Eileen Liponis names' be submitted to the Governor for SAC membership; Maureen Tracey was approved by UNH as their representative. In April, Catherine Meister was recommended to serve as SAC's representative from the DHHS, responsible for foster care.

Appendix B:
Template for Meeting Agenda

State Advisory Committee (SAC) For Children with Disabilities

Advising the NH Department of Education per RSA 186-C:3-b

[Date]

NH Department of Education ~ Room 15

4:30pm - 6:30 pm

TEMPLATE FOR REGULAR MEETING AGENDA

Note regarding the April 2012 agenda: Please note that this month's agenda includes a unique opportunity for SAC to give input to the group conducting the review of NH's Program Approval & Monitoring Systems. Because of the timing of the request from the evaluator, it was not possible to arrange a separate time for us to meet with them, which necessitated modifying the regular agenda for April 4th.

4:30 pm ~ Welcome & Introductions, Approval of Minutes, Correspondence & Announcements

4:45 pm ~ Public Comment

4:50 pm ~ Old Business, Updates, Current Events, Bureau Updates

5:15 pm ~ Subcommittee Reports & Related Discussions:
[Agenda includes a listing of current subcommittees]

5:45 pm ~ New Business

5:40 pm ~ Public Comment

5:45 pm – 6:15 pm ~ Subcommittees time to meet

6:15 pm ~ Subcommittees Report Back (For Issues Where SAC Action is Requested)

The State Advisory Committee's responsibilities include the following.

- Advise the New Hampshire Department of Education regarding unmet needs within the state related to the education of children/students with disabilities.
- Provide an annual report to the Governor and the State Legislature on the status of education of children with disabilities in New Hampshire.
- Comment publicly on the state plan and rules and regulations proposed for issuance by the state regarding the education of children with disabilities.
- Assist the state in developing and reporting such information and evaluations as may assist the U.S. Secretary of Education in the performance of responsibilities under Section 618 of the Individuals with Disabilities Act.
- Advise the Department of Education in developing corrective action plans to address findings identified in federal monitoring reports.
- Advise the Department of Education in developing and implementing policies relating to the coordination of services for children/students with disabilities.
- Advise the Department of Education on the education of eligible children with disabilities who have been convicted as adults and incarcerated in adult prisons.

Appendix C: Handouts and Supplemental Materials

Table of Contents

- **Summary Information from NH's SPP/APR and the 6/2011 Determination Letter**
- **New Hampshire's Part B FFY 2009 SPP/APR Response Table**
- **PowerPoint Presentation by the NH Department of Education, Special Education Bureau detailing Programs within the Department, including:**
 - Educational Surrogate Parent Program
 - NH House of Corrections (liaison to school districts)
 - APEX III
 - NH Connections
 - NH Deaf and Hard of Hearing Initiative
 - NH Audiobook Lending Program
 - National Center of Accessible Instructional Materials Targeted Technical Assistance in NH
 - NH Instructional Materials Center
 - Preschool Technical Assistance Network
 - Preschool Outcome Measurement System Technical Assistance
 - Supporting Successful Early Childhood Transitions (SSECT)
 - Mentorship
 - Technical Assistance to Local School Districts
 - IEP Team Meeting Facilitation Program
 - Monitoring of Districts for Special Education & Approval for Special Education Programs
 - Resource / Contact Information for the Bureau of Special Education
- **Draft brochure – “Getting to Know New Hampshire’s State Advisory Committee on the Education of Children with Disabilities”**
- **Status of Bills Introduced in the 2011-2012 Legislative Session with a Potential Impact on Special Education**
- **“Golden Rules for Advocates when Dealing with Elected Officials” by the Parent Information Center**
- **Executive Summary of Program Evaluation by Data Driven Enterprises, with additional materials to accompany their 6/19/1012 presentation**

Summary information from NH's SPP/APR and the 6/2011 Determination Letter Identifying NH's Status and Areas of Concern

Indicator	Status*
1. Percent of youth with IEPs graduating from high school with a regular diploma.	
2. Percent of youth with IEPs dropping out of high school.	
3. Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup. B. Participation rate for children with IEPs. C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.	
4. Rates of suspension and expulsion: A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.	
5. Percent of children with IEPs aged 6 through 21 served: A. Inside the regular class 80% or more of the day; B. Inside the regular class less than 40% of the day; and C. In separate schools, residential facilities, or homebound/hospital placements.	
6. Percent of children aged 3 through 5 with IEPs attending a: A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B. Separate special education class, separate school or residential facility.	
7. Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs.	
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	Favorable – 0%
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Favorable – 0%
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Favorable – 95%
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Favorable – 97%
13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	

	Indicator	Status*
14.	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school. B. Enrolled in higher education or competitively employed within one year of leaving high school. C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	
15.	General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.	Favorable – 99%
16.	Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.	Problem / Issue – 60% compliance
17.	Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.	Favorable – 100%
18.	Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.	
19.	Percent of mediations held that resulted in mediation agreements.	
20.	State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.	Problem / Issue – 92% compliance

NH has been determined to be in need of assistance in implementing the requirements of Part B of IDEA. NH was, however, praised for reporting valid and reliable data for all indicators.

Excerpt from Determination Letter: “... we did not consider whether a State was in compliance with the requirement in section 612(a)(18)(A) to maintain State financial support for special education and related services. This is a key component of a State’s eligibility for a grant under Part B of the IDEA. However, because the statute provides a specific remedy when a State is not in compliance with this provision (and the Department is taking action consistent with the statute) and recognizing that this is the first time that a number of States have failed to meet this requirement, the Department decided not to include compliance with this provision in the determinations process this year. The Department is actively considering including a State’s compliance with this requirement in the 2012 determinations.”

Excerpt from Determination Letter: “The State’s determinations for FFYs 2005, 2006, 2007 and 2008 were also needs assistance. “... if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions: (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance; (2) direct the use of State-level funds on the area or areas in which the State needs assistance; or (3) identify the State as a high-risk grantee and impose Special Conditions on the State’s Part B grant award. [Therefore] the Secretary is advising the State of available sources of technical assistance related to Indicator(s) 16 (State Complaint Timelines) and 20 (State Reported Data). A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the “Technical Assistance Related to Determinations” box on ... “The Right IDEA” Web site at: <http://therightidea.tadnet.org/technicalassistance>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, Web seminars and other sources of relevant technical assistance for that indicator. For the indicator(s) listed above, your State must report with its FFY 2010 APR submission, due February 1, 2012, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The extent to which your State takes advantage of available technical assistance for these indicators may affect the actions OSEP takes under section 616 should your State not be determined to meet requirements next year.”

New Hampshire Part B FFY 2009 SPP/APR Response Table

Provided by the US Department of Education, Office of Special Education Programs

Monitoring Priorities & Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma.</p> <p style="text-align: center;">[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 91.11%. The State compared the data to the FFY 2008 618 data of 71%. The State met its FFY 2009 target of 75%.</p> <p>The State reported that its Consolidated State Performance Report (CSPR) did not include graduation rate data for students with disabilities. However, the State indicated that it was able to use the CSPR actual data and the ESEA calculation to determine the 2008-2009 graduation rate for students with disabilities for the FFY 2009 APR submission, even though the data were not reported in the CSPR.</p> <p>The State provided a detailed progress report in its APR on the status of implementing a data collection system that will allow the State to calculate the graduation rate in accordance with 34 CFR §200.19.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school.</p> <p style="text-align: center;">[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 2.3%. This represents progress from the FFY 2008 data of 4.53%. The State met its FFY 2009 target of 3.4%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup.</p> <p style="text-align: center;">[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 24.63%. These data represent slippage from the FFY 2008 data of 34%. The State did not meet its FFY 2009 target of 46%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>

Monitoring Priorities & Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>B. Participation rate for children with IEPs.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 97.71% for reading and 97.81% for math. The State's FFY 2008 data for this indicator were 98.21% for reading and 97.94% for math. The State met its FFY 2009 targets of 97%.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results. However, the data posted at the Web link provided by the State do not show that the State met the reporting requirements in 34 CFR §300.160(f), for the following reason: the data do not provide the number of children with disabilities who were provided accommodations in order to participate in those assessments at the State, district and school levels. The State reported that it did not include this data because all students in the State, including nondisabled students, are eligible for test accommodations as determined appropriate on an individual basis.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p> <p>The State did not report publicly on the participation of children with disabilities on statewide assessments at the district and school level with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f).</p> <p>Specifically, the State has not reported the number of children with disabilities in regular assessments who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p> <p>Within 90 days of the receipt of this response table, the State must provide a Web link that demonstrates it has reported to the public on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition, OSEP reminds the State that in the FFY 2010 APR, due February 1, 2012, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f).</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's reported data for this indicator are 38.45% for reading and 33.96% for math. These data represent progress from the FFY 2008 data of 35.18% for reading and 29.22% for math.</p> <p>The State did not meet its FFY 2009 targets of 63.01% for reading and 69.13% for math.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>

Monitoring Priorities & Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</p> <p>[Results Indicator]</p>	<p>The State revised the baseline and target for FFY 2009 for this indicator and OSEP accepts those revisions. The State provided targets for FFY 2011 and FFY 2012, and an improvement activity through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets for FFY 2011 and the targets for FFY 2012.</p> <p>The State FFY 2009 reported data for this indicator are 2.87%. OSEP was unable to determine whether there was progress or slippage because the State revised the methodology for calculating this indicator. The State met its FFY 2009 target of 2.87%.</p> <p>State reported its definition of “significant discrepancy.”</p> <p>The State reported that eight out of 174 districts did not meet the State-established minimum “n” of 11 children with IEPs in the district and four students with IEPs suspended or expelled for greater than ten days and were excluded from the calculation.</p> <p>The State reported that it reviewed the LEAs’ policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies based on FFY 2008 data. The State did not identify noncompliance through this review.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have:</p> <p>(a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>The State provided FFY 2009 baseline, using FFY 2008 data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator and OSEP accepts the State’s submission for this indicator.</p> <p>The State’s FFY 2009 reported baseline is 0%.</p> <p>State reported its definition of “significant discrepancy.”</p> <p>The State reported that four districts were identified as having a significant discrepancy by race or ethnicity, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. The State also reported that no districts were identified as having policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>The State reported that it reviewed the LEAs’ policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies based on FFY 2008 data. The State did not identify any noncompliance through this review.</p> <p>The State reported that nine out of 174 districts did not meet the State-established minimum “n” of 11 children with IEPs in any racial/ethnic subgroup in the district and four students with IEPs suspended or expelled for greater than ten days in the population of students with IEPs in each race and ethnic category and were excluded from the calculation.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p> <p>OSEP will be carefully reviewing each State’s methodology for identifying “significant discrepancy” and will contact the State if there are questions or concerns.</p>

Monitoring Priorities & Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The State revised the baseline and FFY 2009 and FFY 2010 targets for this indicator and OSEP accepts those revisions. The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets and targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are:</p> <table><thead><tr><th></th><th><u>FFY 2008 Data</u></th><th><u>FFY 2009 Revised Baseline Data</u></th><th><u>FFY 2009 Target</u></th><th><u>Progress</u></th></tr></thead><tbody><tr><td>A. % Inside the regular class 80% or more of the day</td><td>45.02</td><td>48.71</td><td>48.71</td><td></td></tr><tr><td>B. % Inside the regular class less than 40% of the day</td><td>26.98</td><td>19.18</td><td>19.18</td><td></td></tr><tr><td>C. % In separate schools, residential facilities, or homebound/hospital placements</td><td>3.20</td><td>2.82</td><td>2.82</td><td></td></tr></tbody></table> <p>The State provided revised baseline data using FFY 2009 data. Therefore, OSEP is not comparing the FFY 2009 data to FFY 2008 data. The State met its revised FFY 2009 targets.</p>		<u>FFY 2008 Data</u>	<u>FFY 2009 Revised Baseline Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	45.02	48.71	48.71		B. % Inside the regular class less than 40% of the day	26.98	19.18	19.18		C. % In separate schools, residential facilities, or homebound/hospital placements	3.20	2.82	2.82		<p>OSEP appreciates the State’s efforts to improve performance.</p>
	<u>FFY 2008 Data</u>	<u>FFY 2009 Revised Baseline Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>																		
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C. % In separate schools, residential facilities, or homebound/hospital placements	3.20	2.82	2.82																			
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and</p> <p>B. Separate special education class, separate school or residential facility.</p> <p>[Results Indicator; New]</p>	<p>The State is not required to report on this indicator in the FFY 2009 APR.</p>	<p>The State is not required to report on this indicator in the FFY 2010 APR, due February 1, 2012.</p>																				

Monitoring Priorities & Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																																
<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State revised the baseline and FFY 2009 and FFY 2010 targets for this indicator and OSEP accepts those revisions.</p> <p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets and targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are:</p> <table><tr><th><u>Summary Statement 1</u></th><th><u>FFY 2008 Data</u></th><th><u>FFY 2009 Revised Baseline Data</u></th><th><u>FFY 2009 Target</u></th></tr><tr><td>Outcome A: Positive social-emotional skills (including social relationships) (%)</td><td>63.8%</td><td>66.3%</td><td>66.3%</td></tr><tr><td>Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td><td>65.7%</td><td>67.1%</td><td>67.1%</td></tr><tr><td>Outcome C: Use of appropriate behaviors to meet their needs (%)</td><td>78.7%</td><td>68.5%</td><td>68.5%</td></tr><tr><th><u>Summary Statement 2</u></th><th><u>FFY 2008 Data</u></th><th><u>FFY 2009 Revised Baseline Data</u></th><th><u>FFY 2009 Target</u></th></tr><tr><td>Outcome A: Positive social-emotional skills (including social relationships) (%)</td><td>82.1%</td><td>71.3%</td><td>71.3%</td></tr><tr><td>Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td><td>75.8%</td><td>53.4%</td><td>53.4%</td></tr><tr><td>Outcome C: Use of appropriate behaviors to meet their needs (%)</td><td>78.7%</td><td>63.1%</td><td>63.1%</td></tr></table> <p>The State provided revised baseline data using FFY 2009 data. Therefore, OSEP is not comparing the FFY 2009 data to FFY 2008 data. The State met its revised FFY 2009 targets for this indicator.</p>	<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Revised Baseline Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	63.8%	66.3%	66.3%	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	65.7%	67.1%	67.1%	Outcome C: Use of appropriate behaviors to meet their needs (%)	78.7%	68.5%	68.5%	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Revised Baseline Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	82.1%	71.3%	71.3%	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	75.8%	53.4%	53.4%	Outcome C: Use of appropriate behaviors to meet their needs (%)	78.7%	63.1%	63.1%	<p>The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</p>
<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Revised Baseline Data</u>	<u>FFY 2009 Target</u>																															
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Monitoring Priorities & Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator is 47%. These data represent progress from the FFY 2008 data of 45%. The State met its FFY 2009 target of 34%.</p> <p>In its description of its FFY 2009 data, the State addressed whether the response group was representative of the population.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State provided its definition of "disproportionate representation."</p> <p>The State reported that 161 of 174 districts did not meet the State-established minimum "n" size requirement of 40 students enrolled in the district in two or more racial/ethnic subgroups, and within those subgroups at least ten students identified as receiving special education and related services, and were excluded from the calculation.</p> <p>The State reported that three districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that no district was identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p>	<p>OSEP appreciates the State's efforts regarding this indicator.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that one district was identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that zero districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State provided its definition of "disproportionate representation."</p> <p>The State reported that 161 of 174 districts did not meet the State-established minimum "n" size requirement of 40 students enrolled in the district in two or more racial/ethnic subgroups, and within those subgroups at least ten students identified in specific disability categories for the racial/ethnic subgroup being compared, and were excluded from the calculation.</p>	<p>OSEP appreciates the State's efforts regarding this indicator.</p>

Monitoring Priorities & Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 95%. The State revised the calculation to appropriately reflect the measurement for this indicator. Therefore, OSEP is not comparing the FFY 2009 data to the FFY 2008 data. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 81 of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 1008 (OSEP Memo 09-02). In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 97%. These data represent progress from the FFY 2008 data of 95%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 21 of its findings of noncompliance identified in FFY 2008 based on FFY 2007 data for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the FFY 2009 data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>

Monitoring Priorities & Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs.</p> <p>There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2009 reported baseline data for this indicator are 47%.</p>	<p>Although OSEP did not consider data for Indicator 13 in its determinations for FFY 2009, OSEP is concerned about the State's very low FFY 2009 data (below 75%) for this indicator. In 2012, OSEP will consider the State's FFY 2010 data for Indicator 13 in determinations.</p> <p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>

Monitoring Priorities & Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school;</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011 & FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2010, FFY 2011 & FFY 2012.</p> <p>The State's reported FFY 2009 baseline data for this indicator are:</p> <p>A. 43.2% enrolled in higher education within one year of leaving high school;</p> <p>B. 70.2% enrolled in higher education or competitively employed within one year of leaving high school; and</p> <p>C. 82.6% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p>	<p>The State must report actual target data for FFY 2010 in the FFY 2010 APR, due February 1, 2012.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 99.4%. These represent progress from the FFY 2008 data of 96%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 167 of 168 findings of noncompliance in FFY 2008 were corrected in a timely manner and that the one remaining finding was subsequently corrected by February 1, 2011.</p> <p>OSEP's FFY 2008 SPP/APR response table, dated June 3, 2010, required the State to report in the FFY 2009 APR, due February 1, 2011, that the remaining six findings of noncompliance identified in FFY 2007 and the remaining two findings that were not reported as corrected in the FFY 2006 APR were corrected.</p> <p>The State reported that all 6 of the FFY 2007 findings of noncompliance and both FFY 2006 findings of noncompliance were corrected.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that the State timely corrected noncompliance identified in FFY 2009 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2010 APR, the State must use the Indicator 15 Worksheet. In addition, in responding to Indicators 3B, 11, 12, and 13 in the FFY 2010 APR due February 1, 2012, the State must report on correction of the noncompliance described in this table under those indicators.</p>

Monitoring Priorities & Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 & FFY 2012, & improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 60%. These data represent progress from the FFY 2008 data of 22%. The State did not meet its FFY 2009 target of 100%.</p> <p>OSEP's FFY 2008 SPP/APR response table, dated June 3, 2010, required the State to include in the FFY 2009 APR, due February 1, 2011, for every complaint filed between February 1, 2010 and October 31, 2010 and whose timeline is extended beyond the 60-day timeline, documentation of the reason for the extension, including the exceptional circumstances that existed with respect to that complaint to justify the extension, or other reasons permitted under 34 CFR §300.152(b) (1). The State provided all of the required information.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2007 and 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2010 APR, due February 1, 2012, demonstrating that the State is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data are based on six due process hearings. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>

Monitoring Priorities & Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 69%. These data represent slippage from the FFY 2008 data of 84%. The State met its FFY 2009 target of 60%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 82%. These data represent progress from the FFY 2008 data of 78%. The State did not meet its FFY 2009 target of 84%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 92.86%. These data represent progress from the FFY 2008 data of 90.47%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2007 and 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2010 APR, due February 1, 2012, demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2010 APR, the State must use the Indicator 20 Data Rubric.</p>

STATE ADVISORY COMMITTEE
ON THE EDUCATION OF CHILDREN WITH
DISABILITIES (SAC)
WEDNESDAY, FEBRUARY 1, 2012

Santina Thibedeau
Administrator, Bureau of Special Education
State Director of Special Education

☐ **Educational Surrogate Parent Program**

The *Educational Surrogate Parent Program* provides educationally disabled children, throughout the State, who need special education and their parent(s) or guardian is unknown or unavailable, or the child is in custody or guardianship of the State, with an educational surrogate parent to act as the child's educational decision-maker in the special education process.

☐ **New Hampshire Houses of Correction**

The Bureau of Special Education acts as a liaison between the *NH Houses of Corrections* (HOCs, county jails), and NH school districts for students who become incarcerated, who are under the age of 21, have not graduated from high school, and who are currently in special education.

☐ **Achievement in Dropout Prevention and Excellence III**

Achievement in Dropout Prevention and Excellence III (APEX III), a project at the Institute on Disability to provide direct services, training and technical assistance to 6-8 high schools that have higher-than-state average dropout rates and high rates of disciplinary problems among students with disabilities, and to develop and provide high quality training for middle and high schools throughout the State.

☐ **New Hampshire Connections**

New Hampshire Connections is a project of the Parent Information Center to work with school district personnel and parents to build systems to improve and support family-school partnerships in special education.

www.nhconnections.org

☐ **NH Deaf and Hard of Hearing Education Initiative Project**

The *NH Deaf and Hard of Hearing Education Initiative Project (DHHEIP)*, a project of Northeast Deaf and Hard of Hearing Services to provide information to families, schools and the community to educate, support and improve educational outcomes for deaf and hard of hearing children.

www.nhdeafhhed.org

☐ **NH Audiobook Lending Program**

The Bureau of Special Education has provided membership for the 2011-2012 school year for each school district to the lending program; “*Audiobook Lending Program*.” Coordinated by Learning Ally to provide digitally recorded textbooks and literature titles – downloadable and accessible on mainstream, as well as specialized assistive technology devices to print disabled individuals.

www.learningally.org/newhampshire

☐ **National Center of Accessible Instructional Materials Targeted Technical Assistance in NH**

The *National Center of Accessible Instructional Materials* is assisting NH in developing a plan to create an effective, efficient system for the provision of specialized formats of print-based instructional materials to students with print disabilities.

http://aim.cast.org/collaborate/AIMCenter/TTA_states

☐ **NH Instructional Materials Center**

The *NH Instructional Materials Center (NHAIM)* provides materials, educational tools, large print, braille and digital tools and textbooks, to students who are print disabled. Materials are purchased through funds from the American Printing House for the Blind.

www.education.nh.gov/instruction/special_ed/nhaim.htm

☐ **Preschool Technical Assistance Network**

The *Preschool Technical Assistance Network (PTAN)* promotes improved results for preschool children with disabilities through a statewide professional development and technical assistance network.

<http://ptan.seresc.net>

☐ **Preschool Outcome Measurement System Technical Assistance**

The *Preschool Outcome Measurement System Technical Assistance (POMS TA)* supports the Bureau of Special Education and districts with the implementation of the federal reporting requirements for measuring the progress preschool children with disabilities make as a result of receiving special education and related services.

☐ **Supporting Successful Early Transitions**

Supporting Successful Early Transitions (SSECT) provides education and support for Family Centered Early Supports and Services (ESS) providers, school district personnel, parents and others to ensure the transition process from ESS to preschool special education and/or other community resources is a positive experience for all and is consistent with State and federal guidelines.

www.nhssect.org

☐ **Mentorship**

Jointly funded by the Bureau of Special Education and DHHS, *eein Mentorship* program promotes optimal development of young children with special needs by providing professional opportunities to learn, collaborate, and build partnerships.

www.eeinnh.org/mentoring.html

☐ **Technical Assistance to Local School Districts**

Technical Assistance to Local School Districts (TA Consultants), upon a request by a school district, provide technical assistance and information, such as: State and federal laws, policy and procedures reviews, transition planning, writing measurable goals, IEP implementation training, and correction action plan development.

☐ **IEP Team Meeting Facilitation Program**

The *IEP Team Meeting Facilitation Program* provides trained facilitators, as requested by school districts, to conduct the IEP Meeting as a neutral party and assist teams with communication difficulties while maintaining the team's focus on the meeting.

☐ **Monitoring of Districts for Special Education and Approval for Special Education Programs**

Monitoring and Approval of Special Education Programs to assess the impact and effectiveness of districts and private special education schools to provide a Free Appropriate Public Education to children ages 3 through 21. Improving educational results for children and youth with disabilities by increasing compliance with the Individuals with Disabilities Education Act (IDEA) and the New Hampshire Rules for the Education of Children with Disabilities, in addition to increasing the capacity of districts to provide high-quality, sustainable program improvement for children and youth with disabilities.

Bureau of Special Education Staff Members:

www.education.nh.gov/instruction/special_ed/documents/staff_members.pdf

New Hampshire State Department Staff:

www.education.nh.gov/contactus/index.htm

Bureau of Special Education:

www.education.nh.gov/instruction/special_ed/index.htm

271-3741

New Hampshire State Department of Education:

www.education.nh.gov/index.htm



~ Draft ~

Getting to Know

New Hampshire's State Advisory Committee on the Education of Children with Disabilities



Maybe include contact information here

New Hampshire's State Advisory Committee (SAC) on the Education of Children with Disabilities

NH's State Advisory Panel
required by the Individuals with Disabilities Education Act

Who is the State Advisory Committee?

The State Advisory Committee on the Education of Children with Disabilities is a group of stakeholders who play an essential role, assisting the NH Department of Education by advising them about the unmet needs of children with disabilities. The SAC also promotes communication and cooperation among individuals involved with students with disabilities.

SAC is comprised of at least 50% parents of children with disabilities and individuals with disabilities (including students who are, or who have, received special education). Other members include educators, school administrators, legislators and representatives of agencies and organizations that support the education of NH children with disabilities. A complete list of members may be found on the SAC's page on the NH Department of Education's website at: http://www.education.nh.gov/instruction/special_ed/sac.htm.

Why does NH have a State Advisory Committee?

The Federal special education law, the Individuals with Disabilities Education Act requires every state to have a State Advisory Panel to advise the State Department of Education on the unmet needs of children with disabilities.

New Hampshire's State Advisory Committee (SAC) on the Education of Children with Disabilities

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What are the State Advisory Committee's responsibilities?

SAC's responsibilities include:

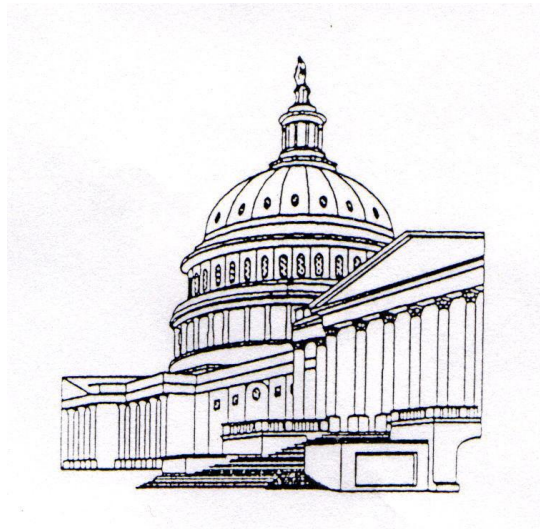
- Advise the NH Department of Education (DOE) regarding the unmet needs of children with disabilities within NH;
- Provide an annual report to the Governor and the State Legislature on the status of education of students with disabilities in NH;
- Comment publicly on the state plan and rules or regulations proposed for issuance by the state regarding the education of children/students with disabilities;
- Assist the state in developing and reporting such information and evaluations as may assist the U.S. Secretary of Education in the performance of responsibilities under the Individuals with Disabilities Education Act (IDEA);
- Advise the DOE in developing corrective action plans to address findings identified in federal monitoring reports;
- Advise the DOE in developing and implementing policies relating to the coordination of services for children/students with disabilities;
- Advise the DOE on the education of eligible incarcerated adult students with disabilities; and
- Reviewing the federal financial participation and the level of state funding to determine their impact on the programs and delivery of services to children/students with disabilities throughout the state.

Status of Bills Introduced in the 2011 – 2012 Legislative Session with a Potential to Impact Special Education in NH

Bill #	Bill's Sponsors / Title / Analysis or Description (if not clear from the title)	Status
HB 219	Sponsors – Sova, Winter, LaCasse An Act restricting the rulemaking authority of the state board of education and establishing a legislative oversight committee to review the rulemaking authority of the state board of education [Original title – An Act establishing a committee to study the abolishment of the department of education. Note: In its amended form, this bill allowed the state board of education to only adopt rules necessary to comply with the minimum provisions and standards of Federal education/special education laws. The State Board could only exceed the minimum Federal requirements with the prior approval of both the NH House and Senate]	House OTP-A Senate ITL 4/11/12
HB 309	Sponsor(s) – Hunt An Act relative to certain insurance mandates and establishing a committee to study current insurance mandates. [Original title – An Act repealing certain insurance mandates / Note: would have repealed coverage for early intervention services for infants and toddlers with developmental delays and autism; House's amendment continued coverage, but subject to utilization review].	House OTP-A Senate referred for interim study 3/21/12
HB 1268	Sponsor(s) – M. Proulx An Act requiring the department of education to reimburse the community colleges for the costs of providing remedial courses [Analysis: This bill requires the department of education to reimburse each institution within the community college system of New Hampshire for the full cost of educational and personnel expenses associated with the provision of remedial level courses. It was later revised to only apply to students who had graduated from High School within 1 year.]	House ITL 2/1/12
HB 1325	Sponsor(s) – Proulx New title – An Act relative to legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan. [Committee of Conference agreed to adopt a new amendment, allowing parents who have joint decision-making responsibility or joint legal custody, to establish the child's legal residence for school attendance in the school district in which either parent resides. This agreement must be in writing, signed and provided to both school districts. The school district is not responsible for the additional transportation this may involve.]	House and Senate OTP-A; Committee of Conference reached agreement including the adoption of a new amendment Passed by both houses
HB 1360	Sponsor(s) – M. Balboni, L. Ober New title: An Act relative to the state board of education rules concerning special education. [Original title & analysis – An Act relative to the rulemaking authority of the state board of education – This bill exempts the state board of education from the rulemaking procedures in RSA 541-A and requires the state board of education to submit proposed rules to the house and senate education committees for approval.] Note – The Senate's amendment amends RSA 186-C by inserting after section 16-b: Rules Exceeding State or Federal Minimum Requirements I. Whenever the state board of education proposes to adopt or amend special education rules exceeding the minimum requirements of state statute and/or federal law, the board shall, in addition to the provisions of RSA 541-A, issue a report of all such proposed rules. The report shall meet the requirements of paragraph III, below. II. By December 1 of each year, the Department shall issue a report of all the Department's special education rules exceeding the minimum requirements of state statute and/or federal law. The report shall meet the requirements of paragraph III, below. III. Any report required by the previous paragraphs shall conform to the following: (a) For each rule or proposed rule contained in the report, the report shall state the rule number, the nature of the rule, any state minimum requirement exceeded, any federal minimum requirement exceeded, and the reason for exceeding those minimum requirements. (b) The report shall be issued to the chairpersons of the House and Senate Education Committees (c) A copy of the report shall be distributed to the superintendent of each school district in the state	House and Senate OTP-A House concurred with Senate amendment 5/30/12 ★ Signed by the Governor
HB 1372	Sponsor(s) – Gile, Porter, Gargas, DeSimone An Act requiring prisoners between 17 and 21 years of age to complete the requirements for a high school diploma or a GED certificate prior to release on probation or parole. [Note: An incarcerated adult with a disability who had not previously been found eligible for special education is not entitled to be evaluated or to receive special education. One concern raised was that this bill could have imposed an unattainable requirement on incarcerated adults with disabilities who could not complete the requirements for a high school diploma or GED without special education.]	House ITL on 2/1/12
HB 1413	Sponsor(s) – Weeden, Tregenza, Jasper, Hoell An Act directing New Hampshire to withdraw from the No Child Left Behind Act. [Note: The loss of \$61 million in Federal aid if NH withdrew from NCLB was an issue raised re: this bill and HB 1517]	House laid on the table 2/8/12
HB 1517	Sponsor(s) – Balboni An Act prohibiting the state and any political subdivision from entering any agreement implementing any provision of the No Child Left Behind Act without prior approval of the general court.	House laid on the table 2/8/12

HB 1564	Sponsor(s) – Foose An Act establishing a committee to study and recommend solutions for simplifying the calculation of the cost of public education through the combination of adequate education, school building aid, and catastrophic aid funding.	House ITL 3/7/12
HB 1571	Sponsor(s) – J.R. Hoell An Act relative to educational evaluation of home schooled children. [Amended analysis – This bill amends the educational evaluation procedures for home educated children and repeals the notice, hearing, and appeals procedures afforded to parents relative to the termination of a home education program. The bill also clarifies the school district's limited liability for home educated children; Note – <i>including any liability related to the child's failure to receive a FAPE</i>].	House and Senate OTP-A House concurred with Senate amendment 5/30/12
HB 1583	Sponsor(s) – D. McGuire, Gidge, Oligny, Sorg, Groen, W. Smith, Hoell, Nevins, F. Rice, Lauer-Rago, L. Jones An Act relative to immunity for school personnel using reasonable force to protect a minor. [Notes: Repeals and reenacts RSA 627:6, II(a) to read as follows: (a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes or pupil may use reasonable force against any such minor or pupil when and to the extent that he or she may reasonably believe it necessary, to end a disturbance, to maintain decorum or safety, or to remove such minor or pupil from the premises. Conduct which is justifiable under this subparagraph shall render the teacher or other person entrusted with the care or supervision of a minor or pupil immune from civil action based on such conduct. (The Senate's amendment added at the end of the first sentence, "when the minor or pupil's behavior or continued presence on the premises would constitute a danger to that individual, or to other children or adults present.")]	House OTP Senate OTP-A Committee of Conference report not signed off (no agreement) 5/31/12
HB 1589	Sponsor(s) – Cohn, Peckham, P. Brown, Serlin, Itse, Krasucki, Davenport An Act establishing a committee to study and propose a recodification of the education laws currently in RSA title 15. [Note: includes special education]	House OTP-A Senate referred to interim study 5/16/12
HB 1607	Sponsor(s) – Bettencourt, Forsythe, Hill, Smith, DeBlois, D. McGuire, O'Brien, P. Tucker, D. Bates, P. Silva, G. Chandler An Act establishing an education tax credit. [Amended analysis – Establishes an education tax credit against the business profits tax and/or the business enterprise tax for business organizations and business enterprises that contribute to scholarship organizations which award scholarships to be used by students to defray the educational expenses.] Applies to private schools & home schools	House and Senate OTP-A House concurred with Senate amendment 5/30/12
HB 1713	Sponsor(s) – Sova, DeLemus, Leonard, Cohn An Act abolishing the department of education and transferring all functions, duties and responsibilities to the commissioner of education and the state board of education.	House ITL 3/8/12
SB 300	Sponsor(s) – Carson, Hunt An Act relative to special education services in chartered public schools. NOTE – This bill clarifies that when a child with a disability enrolls in a chartered public school, the child's resident district is responsible for ensuring the provision of a FAPE; also requires the chartered public school to work with the school district.	House and Senate OTP-A Senate concurred with House amendment 5/23/12 ★ Signed by the Governor
SB 372	Sponsor(s) – Forsythe, Bradley, Bragdon, Carson, De Blois, Gallus, Groen, Lambert, Luther, White, Sanborn, Rep. Murphy, Hill, Bettencourt, Groen An Act establishing an education tax credit. [Amended analysis – Establishes an education tax credit against the business profits tax and/or the business enterprise tax for business organizations and business enterprises that contribute to scholarship organizations which award scholarships to be used by students to defray the educational expenses.] Applies to private schools & home schools	House and Senate OTP-A; Senate concurred with House amendment Governor vetoed 6/18/12
CACR 12	Sponsor(s) – D. Hess, Graham, Packard, Jasper, Kurk, Bettencourt Relating to public education; Providing that: the legislature shall have the full power and authority and the responsibility to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full power and authority to determine the amount of state funding for public education. Amended Analysis – This constitutional amendment concurrent resolution provides that the legislature shall have the responsibility to maintain a public education system and to mitigate disparities in educational opportunity and fiscal capacity, and shall have the power and authority to make reasonable standards for education and accountability and to determine the amount of state funding for education. Note: Committee of conference agreed to adopt a new amendment that puts on the ballot a question about whether the NH constitution should be amended. Would replace the second part of the constitution "by inserting after article 5-b the following new article: [Art.] 5-c [Public Education]. In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the legislature shall have the responsibility to maintain a system of public elementary and secondary education and to mitigate local disparities in educational opportunity and fiscal capacity. In furtherance thereof, the legislature shall have the full power and authority to make reasonable standards for elementary and secondary public education and standards of accountability and to determine the amount of, and the methods of raising and distributing, state funding for public education.	House and Senate OTP-A Committee of Conference reached agreement including the adoption of a new amendment 5/31/12 House failed to adopt CoC report by the necessary 3/5ths vote 6/6/12

GOLDEN RULES FOR ADVOCATES WHEN DEALING WITH ELECTED OFFICIALS



Parent Information Center on Special Education

PO Box 2405

Concord, NH 03302-2405

(603) 224-7005 V/TDD

(800) 232-0986 (NH only)

(800) 947-7005 (NH only)

(603) 224-4365 (FAX)

www.nhspecialed.org



**Parent Information Center
ON SPECIAL EDUCATION**

Participation in government is everybody's responsibility. In order to be the most effective advocate in issues that are important to you, there are certain "Golden Rules" to follow:

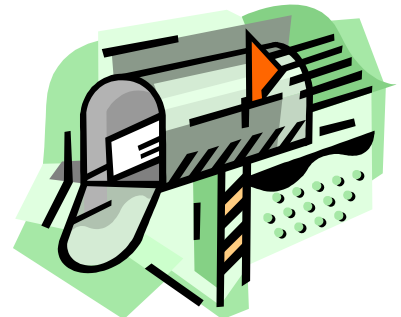
1. Be well-informed. You can find out about bills (what they say, their sponsors, when hearings are scheduled), your legislators (who they are, what bills they sponsored, how to contact them), and more at <http://www.gencourt.state.nh.us/>.
2. Don't look down on government and politics. They may be faulty, but so are other professions. A disdainful attitude is an expensive luxury these days. Whatever affects your business is your business even if it is politics.
3. Be understanding. Put yourself in the legislator's place. Try to understand the legislator's problem, outlook and aims. Then you are more likely to persuade the legislator to do the same in understanding yours. Remember, we must have people who are willing to commit themselves to public service positions.
4. Consider yourself an additional source of information. Legislators have limited time, staff, and interest on any issue. They can't be as informed as they might like on all issues, or the ones that concern you. You can fill the information gap.
5. Be thoughtful. Commend the right things public officials do. That's the way you like to be treated. Public officials will tell you that they get dozens of letters asking them to do something, but very few thanking them for what they have done.
6. Make the legislator aware of any personal connection you may have. No matter how insignificant you feel it is, if you have friends, relatives, and/or colleagues in common: LET THEM KNOW.
7. Don't be afraid to admit you don't know something. If a legislator wants information you don't have or asks you something you don't know, tell them, and, then, offer to get the information they are looking for. BE SURE TO FOLLOW THROUGH.
8. Be specific about what you are asking for. If you want a vote, information, answers to a question what ever it is make sure you ask for it directly, and get an answer.
9. Don't be a busybody. You don't like to be scolded, pestered or preached to. Neither do public officials. Don't "burn any bridges." It is easy to get very emotional over issues you feel strongly about. That's fine, but be sure that no matter what happens, you leave on good terms so that you can go back to the legislator again. Remember, your strongest opponent on one issue may be your strongest ally on another.
10. REMEMBER, YOU ARE THE BOSS! Your tax money pays legislators' expenses, the paper they write on, and the phone they call you on. You are the employer and they are the employee. You should be courteous, but don't be intimidated. They are responsible to you, and nine out of ten legislators are grateful for your input.

WRITING LETTERS TO ELECTED OFFICIALS

Your letter or e-mail is a permanent record of your position. In a letter-writing campaign, five, fifteen or fifty letters can be perceived as a ground swell of support. Timing is important. If you write too soon, you may not capture the attention of the legislator. If you write too late, the decision may have already been made. Most legislators are conscientious about their mail and consider the views of their constituents when they deliberate an issue.

HOW TO WRITE

- ✉ Write your own letter. Use your own words to express your thoughts. **DO NOT USE POSTCARDS.** Remember, a letter need not be long, but should be compelling, factual, personal and to the point.
- ✉ Use personal stationery or business letterhead, if possible. Typed letters are easier to read, but handwritten letters are encouraged if they are legible.
- ✉ State your reasons for writing. Explain how the issue affects you and those around you. Include a personal anecdote.
- ✉ Use the bill number, sponsor, and title (if known), if you are writing about legislation.
- ✉ Many legislators have access to e-mail at home or in their office. This method offers quick access to the legislator, especially if time is short.
- ✉ Clearly state what action you are seeking—support or opposition.
- ✉ Refer to research, data, statistics, etc. Give your legislator good reasons to support your position.
- ✉ Be reasonable, specific, and positive. Don't engage in threats or ask the impossible.
- ✉ Thank your legislator for his/her time, attention, support, and vote.
- ✉ PUT YOUR RETURN ADDRESS AND PHONE NUMBER IN YOUR LETTER. (Envelopes can be thrown away.) Encourage your legislator to contact you if he/she has any questions.
- ✉ Write again. When you establish a record of correspondence, you will develop clout on future issues.





TELEPHONING YOUR SENATOR OR REPRESENTATIVE

Often when an issue needs immediate grassroots response, a phone call is the only option.

Even after you have written to your senator or representative, it is a good idea to call and ask them whether they have received it. Also, offer to answer any questions they may have.

When you have reached them on the phone, simply say: "Hello, Rep. Doe. My name is _____. I live in your district in the town of _____. I am calling to ask you to support/oppose (issue, bill#, etc.) I was calling to see if you have any questions about the importance of supporting/opposing this bill."

If you reach the legislator's answering machine, spouse or staff, remember to leave a brief message stating your name, town and position. Leave your phone number as well, in case he/she has questions.

When speaking to your Senator or Representative, be friendly and helpful. Remember that he/she wants to help you, but needs a good reason to do it. He/she will not necessarily have the same commitment to these issues that you do, nor the personal experience that you have with these issues. It is up to you to educate your legislator. He/she is a generalist, and you are the one with insight into this issue.

Remember that Senators and Representatives are interested in hearing from the people they represent. By calling them, you are not imposing, but are helping them to know more about questions that they face every day. The more informed your legislator is, the better job he/she can do for your district and state.

Remember to always thank them for listening to you and for any support they can give you. Let them know you are available to answer further questions and that you are following the progress of these bills very closely.

If you are asked a question that you do not have the answer to, simply say: "I don't know the answer to that, but I would be happy to find out for you." Then call the appropriate person to get the answer.

TIPS ON TESTIFYING

- Before you testify at a hearing:
- Know the bill number.
- Get a copy of the bill you are interested in and read it.
- Gather your facts, write your statement, and prepare copies for the committee.
- Find out when and where the hearing will be held.

AT THE HEARING

- Plan to arrive at the hearing room at least 15 minutes ahead of time.
- Sign in at the beginning of the hearing to let the committee chairperson know your want to testify. Also indicate whether you are for or against the bill, even if you do not wish to testify.
- The committee chairperson opens the hearing and reads the bill. Then the bill's sponsor(s) will make a statement about the bill. After the sponsor's statement, committee members will be asked if they have questions.
- After that names from the sign-in sheet will be called.
- When your name is called, rise, introduce yourself and make your statement. If you are representing an organization or group, state the name of the group when you introduce yourself.
- Remember, you may only testify stating opinions and facts. It is helpful to explain how the bill will affect you, your family, or others.
- Only committee members may ask questions. If you do not understand a question asked of you, you may ask the chairperson to clarify it or offer to get the information for the committee. You may also say that you don't know the answer.



THE LEGISLATIVE PROCESS IN NEW HAMPSHIRE

- Someone has an idea.
- The bill is drafted by Legislative Services
- The bill is filed by its sponsors as a house or senate bill.
- The bill is assigned to a committee which reviews it.
- The Committee holds public hearings
- The committee makes a recommendation that the bill should or should not pass when it goes to the full house or senate for a final vote.
- The bill then goes to the house or senate body for the final vote.
- The process then starts all over again, but in the other body.
- After another round of hearings, etc., the second body votes on the bill. If it is passed, it goes to the Governor for signature and then it becomes law.
- If the bill passes, but has changes, which makes it different from the original bill, then a *Committee of Conference* is set up to work out an agreement between the house and the senate so everyone is satisfied with the changes -- *or the original body may vote to concur with the changes.*
- Once the Committee of Conference has worked everything out, then the bill is sent back to both houses for approval. It then goes to the Governor for signature.



The Governor has three choices. He or she can:

- Sign the bill and it becomes law;
- Choose not to sign and it becomes law without the signature, within five days; or
- Veto the bill and it goes back to the legislature for a vote to override the Governor's veto. It takes a 2/3 majority for this, or the bill dies.

Take your role as a good citizen seriously. You can make a difference!

Theodore Roosevelt said: This country will not be a good place for any of us to live in unless we make it a good place for all of us to live in.

PIC wishes to thank a lobbyist friend who provided information that was used to create this brochure.

Excerpts from:

**Final Report on the
Request for Proposal for:
Independent Organization for Program
Evaluation and Quality Assurance**

May 31, 2012

Submitted to:
New Hampshire Department of Education
Bureau of Special Education
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Concord, NH 03301

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Executive Summary

Background

The proposal submitted by Data Driven Enterprises (DDE) and approved for funding by the New Hampshire Department of Education (NHDOE) Special Education Bureau specified that the evaluation should cover these questions:

1. What are the components of the NHDOE monitoring and program approval process?
2. Are performance and/or compliance data used in the monitoring and program approval process? If so, are they used in the process of selecting districts to monitor? Are they used to guide monitoring activities?
3. To what extent are monitoring instruments and the monitoring process capable of identifying compliance/noncompliance with the program requirements? To what extent are they capable of improving student results and outcomes? Does it emphasize those requirements most closely associated with student results/outcomes? Is the system capable of making systemic findings? Is the system capable of making substantive findings?
4. Are the findings made by monitoring reports clear? Is the evidence set forth in reports adequate to support the findings made? Are the reports released in a timely manner? Are systemic findings made? Are substantive findings made?
5. Do Corrective Action Plans (CAPs) set forth activities reasonably calculated to result in compliance? Are CAPs developed and approved in a timely manner? How is implementation of CAPs tracked? What process is used to verify the performance of corrective activities? Is the process adequate? What is the process of verifying that noncompliance has been corrected? Is the process adequate?
6. Are enforcement steps taken when necessary? If so, are those steps adequate to resolve the identified noncompliance in a timely and effective manner?
7. What is the Department's process for making annual determinations of public agencies responsible for delivering special education services? What standards are used? To what extent do the standards used comport with the requirements of the IDEA?
8. Do statewide data show changes over time on performance and compliance indicators? Is there evidence that indicates that the monitoring and program approval processes are having a positive effect on student results/outcomes and

on compliance with the program requirements? Does the state have an adequate system for verifying the accuracy of data?

9. Are staffing resources sufficient to implement a monitoring and program approval process capable of ensuring FAPE in the LRE and improved results/outcomes to NH students with disabilities?

10. What are the recommendations that should be given to the NDHOE given the findings?

This report answers these ten questions.

Evaluation Highlights

Positive Points:

- Performance data are used to select districts for Focused Monitoring.
- The monitoring processes related to some State Performance Plan Indicators (e.g., timeliness of initial assessments, timely Part C to Part B transition) are reliable, and the State's performance on these indicators has improved markedly over the last few years.
- School districts monitored through Focused Monitoring have generally positive feelings about the process and the results.
- The processes for verification of the correction of noncompliance identified through monitoring related to Indicators 11, 12 and 13 as described in the Annual Performance Report appear to be reliable.
- The state has improved since the 2004-05 school year at ensuring the correction of identified noncompliance within one year.
- The analysis of 2007-08 through 2010-11 proficiency data suggests that the Focused Monitoring system is fulfilling the first purpose of increasing achievement of students with disabilities. This same data suggests, however, that the second purpose of narrowing the achievement gap is not being differentially impacted by the focused monitoring system.
- Considered from the date of the monitoring report, the development of corrective action plans is timely.

Areas for Improvement:

- Neither performance nor compliance data are used in either the Focused Monitoring or Program Approval processes to the extent necessary for effective monitoring of the provision of a free, appropriate public education in the least restrictive environment.

- Findings of noncompliance rely almost exclusively on the results of file reviews unsupported by the results of other monitoring activities (interviews, observations, provider time logs, etc.).
- Both the Focused Monitoring and the Program Approval processes are capable of identifying *some* noncompliance. However, due to serious deficiencies in the both the instruments used to collect information from files and the inconsistent application of those instruments by monitoring teams, the current system is not capable of making many important substantive findings of noncompliance.
- The monitoring processes currently used make no substantive findings that students were deprived of FAPE or were not placed in the LRE. The majority of findings made are procedural in nature.
- As the relevant documents were not made available to the evaluators, judgments could not be made regarding the adequacy of current processes for verifying the correction of noncompliance identified through the Focused Monitoring and Program Approval processes.
- The monitoring processes related to some State Performance Plan Indicators (e.g., suspension/expulsion, disproportionality) are weak with respect to actual practices.
- The LRE aspect of the monitoring processes is particularly weak.
- Although the analysis of 2007-08 through 2010-11 proficiency data suggests that the Focused Monitoring system is fulfilling the first purpose of increasing achievement of students with disabilities, this same data suggests that the second purpose of narrowing the achievement gap is not being differentially impacted by the focused monitoring system.
- The analysis of 2007-08 through 2010-11 placement data suggests that a majority of districts monitored through the Focused Monitoring system increased the percentage of students placed in the regular classroom between 2007-08 and 2010-11. However, a higher percentage of non-monitored districts increased the percentage of students placed in the regular classroom between 2007-08 and 2010-11.
- The state does not currently use performance indicators as part of its process of making determinations of local school districts.
- The evaluators cannot determine whether the total number of employees available for monitoring from the state and its vendor is adequate. It is reasonably clear that vendor staffing levels are sufficient to implement the Focused Monitoring and Program Approval processes as those processes are currently constituted, and that state general supervision and monitoring staffing is lacking. At the same time, however, it is clear from the results of this evaluation that there are significant flaws in monitoring processes, and that correction of these deficiencies is likely to require staffing adjustments.

Additional Points Raised

- Disadvantages of contracting out the Focused Monitoring and Program Approval monitoring processes are discussed, and specific concerns related to contracting with the current vendor are raised.
- The Focused Monitoring process is not listed as an improvement activity for appropriate indicators in the State Performance Plan.
- For the most part, random, rather than purposeful, samples of students are used in the Focused Monitoring and Program Approval processes.
- Monitoring reports are not consistently clear regarding the purpose of monitoring. The reports are not consistently clear regarding the actual statutory requirement violated, the specific basis for findings of noncompliance, and the exact actions needed to correct noncompliance.
- The monitoring reports include "suggestions" for improvement on issues subject to statutory requirements.
- Findings contained in monitoring reports are not always supported by adequate evidence.
- Monitoring reports are not always issued in a timely manner.
- The distinction in monitoring reports between systemic and individual findings is clear in some instances, but not in others.
- A number of concerns related to corrective actions for both individual and systemic findings of noncompliance, and the timeliness of corrective actions, are discussed and analyzed.
- The tracking and verification of the implementation of corrective actions is not always thorough and consistent.
- Based on the few enforcement documents available to the evaluators, it is unclear that the four factors state regulations require NHDOE to consider when selecting enforcement action were in fact considered and, if so, to what extent. In addition, concerns are noted regarding the steps taken in one circumstance in which correction of noncompliance was not achieved within one year.
- Concerns are raised regarding the accuracy of the state's placement data.

Recommendations are offered in Section X.

Section X

Recommendations

Based on the investigation conducted over the past several months and conclusions offered related to the evaluation questions detailed above, the external evaluators offer the following recommendations as means of improving New Hampshire's special education monitoring procedures and practices.

During conversations with NHDOE staff members,²⁰⁶ SERESC Focused Monitoring and Program Approval staff, parent and advocacy groups (including the Disability Rights Center and the state's Parent Information Center), and the State Advisory Committee, the evaluators also solicited recommendations. Relevant recommendations from these parties are also noted separately within each of the subsections below.

A. Use of Data in Focused Monitoring and Program Approval

1. **Expand the use of data to guide the selection of districts for Focused Monitoring reviews.** In addition to achievement gap and size of the district, consider factors such as compliance history (prevalence/gravity of IDEA complaint decisions and due process hearing results) and performance on State Performance Plan indicators (especially 1, 2, 3C, and 5).
2. **Expand the use of data to guide Focused Monitoring and Program Approval methodologies in districts and facilities being visited.** Prior to visiting a district or private school, NHDOE and SERESC staff members should collaborate on a facilitated review and drill-down of all relevant special education data from the district or facility. The purpose of this pre-visit data review would be twofold: 1) to gain a thorough understanding of the district or facility strengths and apparent areas of difficulty, and 2) to develop specific compliance hypotheses (based on areas of poor performance) that will guide the review team's activities. Compliance hypotheses, which should vary according to each district and facility's unique data, should be developed in substantive areas most closely related to improving student outcomes with a particular emphasis on each student's receipt of FAPE in the LRE.
3. **Create purposeful samples of students for each compliance hypothesis.** The state's current practice of randomly selecting student files for review in both Focused Monitoring and Program Approval does not allow the best opportunity for identifying noncompliance. By selecting purposeful samples, the state would begin focusing its review activities on students who have the

²⁰⁶ Four of the eight NHDOE employees who were interviewed as part of the evaluation process offered recommendations, while the others declined to make any recommendations. One of the SEA staff members in the latter group commented, "Any concerns have been addressed. [The Focused Monitoring and Program Approval processes] are good and solid."

greatest likelihood of being affected by a district or facility's noncompliance. Multiple sets of district data, which are already collected by NHDOE, should be cross-referenced and disaggregated by student disability label, race/ethnicity, environment, and other criteria to identify these purposeful samples.

In addition to the evaluators' recommendations, see Display X-1 for additional recommendations made by others.

Display X-1. Subsection A Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- NHDOE: Increase the number of districts reviewed.
- NHDOE: Increase the use of data to guide reviews.
- SERESC: "The system of selection is probably flawed," but it is "in part, DOE-driven." NHDOE and SERESC need to work together to define priorities and work toward those goals.
- SERESC: Increase the sample sizes.
- Parent Group: Increase the number of districts site visits.
- Parent Group: Re-visit selection of the achievement gap as the State's Key Performance Indicator.
- SAC: Increase the number of FM reviews each year.
- SAC: Increase the amount of baseline data used in FM reviews.
- SAC: "Some districts go unmonitored, except for indicators, for years and years." Change that practice to include expanded, direct, and more frequent monitoring of districts not selected for Focused Monitoring on-site reviews.

B. Focused Monitoring and Program Approval Instruments and Methodology

1. **Ensure proper training in IDEA and state special education requirements prior to any individual's participation in Focused Monitoring or Program Approval.** Due to the various backgrounds of individuals currently participating in the Focused Monitoring and Program Approval processes, the state cannot be assured that each one is adequately prepared to properly conduct file review activities and other on-site activities. Evaluators observed confusion over certain requirements among review teams: proper training would help eliminate this confusion and ensure a greater likelihood of accurate, appropriate monitoring results.
2. **Eliminate "one-size-fits-all" compliance review documents.** As discussed in Subsection A, compliance hypotheses should guide the state's review activities for both Focused Monitoring and Program Approval. In keeping with this recommendation, the instruments used to for file reviews should be specific to the compliance hypotheses developed for each district and facility.

3. **Ensure that Focused Monitoring and Program Approval compliance review instruments accurately reflect federal and state requirements.** The general instruments currently in use contain some approximations of federal requirements, and some items do not reflect federal or state requirements. The former should be corrected, and the latter should be eliminated.
4. **Separate Focused Monitoring and Program Approval from other school improvement and/or accreditation activities.** In Focused Monitoring, activities that do not relate to the identification of noncompliance should not be included (i.e., Achievement Team data reviews, improvement planning, etc.). While these activities have positive aspects, the appropriate time for improvement planning within an IDEA Focused Monitoring context is *after* the state has alerted the district or facility to one or more findings of noncompliance. In Program Approval, the state's identification of noncompliance should be separated from private school accreditation activities.
5. **Increase the sample size for file reviews and case studies.** In order to ascertain a district or facility's compliance with IDEA requirements, one or two files per school is not adequate when many districts serve hundreds of students with disabilities. While it is rarely feasible to review every student's file, it is unlikely that systemic noncompliance can truly be identified using the limited samples of the current Focused Monitoring and Program Approval processes.
6. **Increase the amount of time allotted for compliance review activities.** By eliminating non-IDEA compliance components of the current Focused Monitoring and Program Approval processes, review teams would have additional time for appropriate reviews of student files, purposeful interviews with school staff, observations, and other focused activities to facilitate the identification of noncompliance. Even so, appropriate monitoring activities are likely to require more than the current one or two days in all but the smallest districts and private facilities.
7. **Employ additional strategies in the identification of noncompliance.** Rather than accepting verbal assurances and statements from district and facility staff during compliance reviews, the state should develop and implement a means of collecting information from school staff through a formal interview process. The interviews should not be the same for each staff member; in order to properly support a finding of noncompliance, they should be guided by file review results for individual students in each of the compliance hypotheses.
8. **Increase the involvement of NHDOE in the Focused Monitoring and Program Approval compliance reviews.** As observed by the evaluators, review teams are not always in agreement over how to interpret certain IDEA requirements or how to determine whether a certain set of facts connote noncompliance in a particular student's case. More NHDOE involvement would allow the SEA to guide compliance review activities and be correctly viewed as the final arbiter of compliance/noncompliance in the monitoring

context. This would also eliminate the practice of making findings of noncompliance based on the consensus of the review team.

In addition to the evaluators' recommendations, see Display X-2 for additional recommendations made by others.

Display X-2. Subsection B Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- SERESC: Focused Monitoring and Program Approval visits need to be more closely aligned. Teams also need to increase the intensity of the file reviews conducted at private schools.
- SERESC: Provide more technical assistance leading up to each Program Approval visit.
- SERESC: Review more districts using the Focused Monitoring process.
- SERESC: Include structured interviews in the Focused Monitoring and Program Approval processes.
- Parent Group: Shift the focus away from procedural compliance to more substantive issues.
- Parent Group: Increase the examination of standards related to improving educational results and functional outcomes.
- Parent Group: Shift the focus of on-site visits from reviewing a school district's policies to examining whether the policies are put into practice.
- Parent Group: When child-specific noncompliance is cited, NHDOE/SERESC should randomly sample other files in order to rule out systemic noncompliance.
- Parent Group: Increase NHDOE's involvement in the Focused Monitoring and Program Approval processes; "There is a perceived disconnect between DOE and [Focused Monitoring and Program Approval]."
- Parent Group: Increase the "rigor" of Focused Monitoring and Program Approval.
- Parent Group: increase the "substance" of Focused Monitoring; "de-emphasize procedural compliance."
- Parent Group: Expand the focus of Focused Monitoring and Program Approval visits from access, transition, and discipline to include child find, LRE and service delivery.
- SAC: Increase the involvement of students and parents in Focused Monitoring reviews.
- SAC: Increase the length of Focused Monitoring site visits.
- SAC: Improve the components of Focused Monitoring and Program Approval reviews; especially to include an increased emphasis on LRE.
- SAC: Refocus the reviews and corrective actions on substantive issues, rather than procedural compliance.

C. Focused Monitoring and Program Approval Reports and Corrective Action Plans

1. **Eliminate Achievement Team (in Focused Monitoring) and accreditation information (Program Approval) from IDEA compliance reporting.** If a

discussion of any set of facts is not related to IDEA compliance, it should not be included with compliance reports.

2. **Improve the clarity with which findings are reported.** Compliance reports for both Focused Monitoring and Program Approval should carefully delineate the following: 1) the specific data that prompted the NHDOE's decision to conduct a compliance review in the district or facility, 2) the specific areas of compliance reviewed, 3) specific results of file review activities (including specific areas of procedural compliance), 4) results of any additional activities used to validate or invalidate relevant file review results (such as interviews, observations, etc.), and 5) the state's determination regarding noncompliance in each area of review—including whether a finding is child-specific or systemic. Problematic practices that do not represent noncompliance can be addressed in the reports, but guidance concerning improvement of these problematic practices should be described as recommendations.
3. **Eliminate the practice of including "suggestions" related to IDEA compliance in Focused Monitoring and Program Approval reports** (such as conducting annual IEP meetings or developing IEP goals to address all areas of need). Review teams and those developing Focused Monitoring and Program Approval reports must be able to clearly distinguish between what is *required* and what is simply *recommended*. In areas in which some information indicates noncompliance and other information indicates compliance, the state must have decision rules in place to enable review teams to make compliance determinations accurately and consistently.
4. **Within each Corrective Action Plan, include an appropriate description of acceptable evidence of correction for each finding.** When corrective actions are developed, include a description of acceptable evidence. For example, for a child-specific finding concerning measurable annual goals, acceptable evidence might be noted as, "A copy of the student's revised IEP containing measurable annual goals and the corresponding Prior Written Notice form will be submitted to the NHDOE by the date specified."
5. **Eliminate use of the "Assurance Form" to address child-specific findings of noncompliance.** To appropriately verify correction, the NHDOE should review the student's updated IEP instead of merely accepting assurances of correction.
6. **Ensure that both prongs of OSEP's Memo 09-02 are satisfied when conducting activities to verify correction of noncompliance.** When conducting verification monitoring activities, the state must ensure that student samples include a representation of students for whom the noncompliance was originally identified *and* a sample of students who were not included in the original monitoring activities.
7. **Formalize the state's tracking and follow-up procedures for districts and facilities that are in Corrective Action Plans, and apply the procedures uniformly across the state.** The state should have a process for consistently

checking in with districts and facilities at particular intervals to monitor CAP implementation. If possible, the state should also review data during the corrective action timeframe to see if data related to the noncompliance demonstrate improvement.

8. For districts and facilities that are in danger of failing to correct noncompliance in a timely manner, establish a formal process allowing the state to intervene appropriately before the correction timeframe expires. If evidence indicates a problem with correction of any finding, the state must be able to address its concerns in a proactive manner.

In addition to the evaluators' recommendations, see Display X-3 for additional recommendations made by others.

Display X-3. Subsection C Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- Parent Group: Ensure there is a connection between corrective action plans and reduction of the achievement gap.
- Parent Group: Increase follow-up at the end of the two-year Focused Monitoring cycle in order to ensure sustained compliance and reduction of the achievement gap.
- Parent Group: Increase the amount of general oversight at NHDOE to ensure implementation of corrective action plans.
- Parent Group: Increase fiscal support to implement corrective actions and ensure sustained compliance.
- SAC: Implement changes to ensure sustained compliance. "It's always the same issues and the same corrective actions."

D. Enforcement Actions

1. Develop a set of decision rules used to determine appropriate enforcement actions based on the four criteria contained in state statute.²⁰⁷ The state and its constituents must be assured that enforcement actions are applied consistently and uniformly across districts and private facilities.
2. Develop and implement more meaningful enforcement actions for districts placed in the *Needs Substantial Intervention* determinations category and those failing to correct noncompliance within one year. Requiring that a district develop a "plan" cannot be viewed as an effective enforcement activity for a district placed in *Needs Substantial Intervention*. Likewise, merely offering—rather than requiring—technical assistance to districts and facilities that are unsuccessful in correcting findings is not appropriate. Suitable enforcement actions for districts in the lowest determinations category and

²⁰⁷ Ed 1125.02 (d); see also 186-C:5 (d).

those with outstanding noncompliance should contain state-mandated activities rather than allowing districts additional flexibility and self-direction.

In addition to the evaluators' recommendations, see Display X-4 for additional recommendations made by others.

Display X-4. Subsection D Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- Parent Group: Tie noncompliance to required NHDOE and/or SERESC training. "There is a lack of follow-up and professional development in curriculum, alignment, etc."
- Parent Group: Increase the consequences of uncorrected noncompliance in Focused Monitoring and Program Approval; improve both sanctions and incentives.

E. Annual LEA Determinations

1. **Use performance and compliance indicators from the State Performance Plan in making annual LEA determinations.** The use of performance indicators would further emphasize the importance of continuously improving student outcomes and serve as further motivation for both compliance and performance – especially when the receipt of a poor determination carries potentially significant sanctions.
2. **Solicit stakeholder input into the development of a formula by which LEA determinations will be made.** Extending an invitation to stakeholders to solicit input on determinations formula revisions would strengthen relationships between NHDOE and its stakeholders and allow interested parties to collaborate toward a common purpose.

F. Verifying Accuracy of LEA Data and Ensuring Effectiveness

1. **Develop a system for verifying the accuracy of the indicator data collected from districts.** For example, such a process could involve selecting a random sample of IEPs from a given district and comparing what is on the IEP to what is on the dataset submitted by the district to the state.
2. **Related to Recommendation 1, a special effort should take place to verify the accuracy of Indicator 5 data.** Given the large fluctuations in Indicator 5A and 5B data over time, selecting a random sample of IEPs and determining if what is reported on the IEP is accurate and what is reported in datasets submitted to the state is accurate.
3. **Examine the effectiveness of the FM process on the monitored districts.** As mentioned in Section VIII, the 2010-11 SERESC end-of-year report did not

analyze the impact the FM process had on student performance. This should be examined. The impact of the FM process on the achievement gap should also be examined, since this is the primary justification for choosing a district for monitoring. However, the impact of FM on other performance indicators such as 1, 2, 3C, and 5 should also be examined. Further, as mentioned above, compliance hypotheses should guide the state's monitoring efforts. For those compliance hypotheses that are confirmed, student performance data relating to these hypotheses should be examined to determine if improvement has been made. For example, if it is determined that a district is not providing FAPE to students in the regular classroom environment, a comparison of the proficiency rates of students before and after the Corrective Action Plan was implemented could be conducted to determine if student performance improved.

4. Identify the "high-performing" focused monitored districts and determine why the FM process worked well for them. For example, for those focused monitoring districts that have shown gains in student proficiency and a decrease in the achievement gap, what is it about the district and/or their experience with the FM process that allowed them to show such improvements in student performance. Then determine how this information can be used with other districts going through the FM process so that they too might experience positive student performance outcomes.

In addition to the evaluators' recommendations, see Display X-5 for additional recommendations made by others.

Display X-5. Subsection F Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- SERESC: There needs to be a core set of indicators to measure effectiveness – "I'm looking at this process and I'm thinking, 'why can't we get something in place by January and start?'"
- SERESC: Take a more longitudinal approach to data analysis. "Provide more time to sustain efforts."
- SERESC: "A more articulate data set is needed. [SERESC] is developing alternative indicators."
- Parent Group: Verify the reliability and validity of suspension/expulsion data used to determine compliance with Indicator 4 and LRE data used to determine compliance with Indicator 5.
- Parent Group: Increase steps taken to ensure the validity and reliability of student level data submitted to NHDOE and stored in NHSEIS.
- SAC: Increase the validity and reliability of data (especially suspension/expulsion) by ensuring universal understanding of compliance standards.

G. Staffing and Resources

1. **Increase review team members' effectiveness by developing mandatory IDEA pre-visit training.** While shadowing can be an effective follow-up training method for review team members, the state must develop an effective means of training these team members before they assist in any compliance review activities. The lens through which SEA staff and SEA contractors must view compliance-related activities is often different than a typical LEA staff member's lens. Without proper training, compliance reviews can be compromised from the outset.
2. **Reconsider the practice of contracting out the FM and PA processes in general, and reconsider contracting with SERESC.** With respect to the former, as noted in Section I of this report, one clear disadvantage of contracting out a state special education monitoring system is that directing funds outside an SEA prevents the SEA from developing its own internal capacity, a capacity that is then available for other purposes (such as technical assistance and monitoring Indicator compliance). With respect to the latter, as also noted in Section I of this report, contracting with SERESC creates a potential conflict with the state statute and a potential perception of bias among key stakeholders.
3. **Review state restrictions on filling vacancies in the Bureau, and pursue state funding in support of additional staff if warranted.**

In addition to the evaluators' recommendations, see Display X-6 for additional recommendations made by others.

Display X-6. Subsection G Recommendations Made by Others

The comments and recommendations below reflect the opinions of NHDOE, SERESC, DRC, PIC, and SAC members concerning ways to improve the state's monitoring procedures and practices.

- NHDOE: Reduce the amount of multi-tasking required of SEA personnel.
- SERESC: "I think we've been asked to do some of the work that DOE should be doing...but otherwise it just wouldn't get done."
- SERESC: Hire consultants who are specifically assigned to certain indicator areas. SERESC: "I would like to see us monitor ourselves internally" to ensure that SERESC is doing things effectively.
- SERESC: Better communication among additional aspects of the Department's work (i.e., Standards and Assessment, information regarding the Common Core Standards).
- SERESC: "It's the relationships. It's between the agencies." Communication needs to be improved between the NHDOE and SERESC.
- Parent Group: Given the lack of progress in reducing the achievement gap, evaluate whether the contract with SERESC (\$1,499,904 biennium) constitutes an efficient use of resources.
- Parent Group: Evaluate whether NHDOE's contract with SERESC constitutes a conflict of interest [RSA 186-C:5, III(f)].

- Parent Group: Increase the number of NHDOE staff members dedicated to provide technical assistance.
- Parent Group: Decrease the involvement of volunteers in the FM and PA processes.
- SAC: Consider ending the "SERESC monopoly" the next time NHDOE contracts with an outside agency to conduct compliance reviews.
- SAC: Increase the independence of Focused Monitoring and Program Approval reviews. Teams consist of district personnel, SERESC employees (who tend to be retired school employees), and volunteers (who tend to be active school employees).
- SAC: Increase state funding for the Special Education Bureau by increasing the number of regular state-approved NHDOE positions.
- SAC: Address high rate of employee turnover within the NHDOE: "[The Bureau] has been devastated. [NHDOE employees are] doing the best they can."

Independent Organization for Program Evaluation and Quality Assurance

Investigators

- Susan Wagner, Ph.D.
 - Experienced psychometrician and evaluator. Works for a number of SEAs on the analysis of the State Performance Plan (SPP) indicators and the evaluation of associated improvement activities; also works for SEAs in terms of evaluating programs, analyzing and developing alternate assessments, computing NCLB/AYP statistics.
- Mark Mlawer
 - Experienced evaluator, trainer and technical assistant on issues related to monitoring and general supervision. Federal Court Monitor in *Emma C.* case; defendants are CDE and one CA district. Worked for a number of SEAs since the mid-'90s, also has been expert witness in several systemic class action suits related to general supervision and monitoring.

1

Independent Organization for Program Evaluation and Quality Assurance

Investigators (continued)

- Michael Harris
 - Supervisor of Monitoring and Accountability for WY Department of Education, Special Programs Division
- Michael Warych, Ph.D.
 - Experience as special education and general education teacher, local director of special education, local Superintendent, managed Focused Monitoring and Technical assistance unit for CDE.

2

II.

Are performance and/or compliance data used in the monitoring and program approval process? If so, are they used in the process of selecting districts to monitor? Are they used to guide monitoring activities?

3

II. Highlights

- Performance data are used to select districts for Focused Monitoring.
- Neither performance nor compliance data are used in either the Focused Monitoring or Program Approval processes to the extent necessary for effective monitoring of the provision of a free, appropriate public education in the least restrictive environment.

4

II. Highlights

- PA areas said to be in need of improvement (measurable goals and transition plans) have identical noncompliance percentages in the last two SERESC annual reports; in light of findings, unclear how this was determined.
- The FM process is not listed as an improvement activity for appropriate indicators in the State Performance Plan, including 3C (performance on state assessment).

6

II. Highlights

- No improvement activities connected to monitoring listed in State Performance Plan for Indicators 1 and 2, and no findings of noncompliance related to them.
- Improvement activity related to monitoring set forth in SPP for Indicator 5, but no findings of noncompliance in last two APRs.
- Indicator 8 performance appears low, but is better than other states also using the "NCSEAM standard" for determining cut score.

6

II. Highlights

- Indicator 13 compliance is low. Only 19 files reviewed in '09-'10 (FM process used), but 220 in '10-'11 (FM and on-site review). FM review discontinued for current year. Districts not chosen based on data, and selection of students is random.

7

II. Highlights

- The monitoring processes related to some State Performance Plan Indicators (e.g., timeliness of initial assessments, timely Part C to Part B transition) are reliable, and the State's performance on these indicators has improved markedly over the last few years.
- The monitoring processes related to some SPP Indicators (e.g., suspension/expulsion, disproportionality) are weak with respect to actual practices.

8

II. Highlights

- School districts monitored through Focused Monitoring have generally positive feelings about the process and the results.

9

II. Highlights

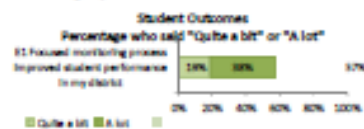
- School districts monitored through Focused Monitoring Results – positive findings



10

II. Highlights

- School districts monitored through Focused Monitoring – potential areas of concern



- Four districts said that they did not have any data that would point to improvements in performance, outcomes, and/or results of students with disabilities since the time they were monitored.

11

II. Related Recommendations

- Expand the use of data to guide the selection of districts for Focused Monitoring reviews.
- Expand the use of data to guide Focused Monitoring and Program Approval methodologies in districts and facilities being visited.
- Create purposeful samples of students for each compliance hypothesis.

12

III.

To what extent are monitoring instruments and the monitoring process capable of identifying compliance/noncompliance with the program requirements? To what extent are they capable of improving student results and outcomes? Does it emphasize those requirements most closely associated with student results/outcomes? Is the system capable of making systemic findings? Is the system capable of making substantive findings?

III. Highlights

- Both the FM and PA processes are capable of identifying some noncompliance. However, due to serious deficiencies in the both the instruments used to collect information from files and the inconsistent application of those instruments by monitoring teams, the current system is not capable of making many important substantive findings of noncompliance.

III. Highlights

- Several problems with FM IEP review data collection form.
 - FM IEP review data collection forms are missing several components.
 - Problems with use of IEP review data collection form.
 - Several problems exist with Out-of-District File Review Instrument.

III. Highlights

- Problems with the PA forms:
 - Qualified Staff
 - Policies and Procedures
 - LEA and Parent Surveys
 - Private Program Self-Study Form
- PA Case Study Process Background Info
- Concerns with Case Study Data Collection form.
- Significant concerns based on observations of process.

III. Related Recommendations

1. Ensure proper training in IDEA and state special education requirements prior to any individual's participation in FM or PA.
2. Eliminate "one-size-fits-all" compliance review documents.
3. Ensure that instruments accurately reflect federal and state requirements.
4. Separate FM and PA from other school improvement and/or accreditation activities.

10

III. Related Recommendations

5. Increase the sample size for file reviews and case studies.
6. Increase the amount of time allotted for compliance review activities.
7. Employ additional strategies in the identification of noncompliance.
8. Increase the involvement of NHDoe in the FM and PA compliance reviews.

11

IV.

Are the findings made by monitoring reports clear? Is the evidence set forth in reports adequate to support the findings made? Are the reports released in a timely manner? Are systemic findings made? Are substantive findings made?

12

IV. Highlights

- Findings of noncompliance rely almost exclusively on the results of file reviews unsupported by the results of other monitoring activities (interviews, observations, provider time logs, etc.).
- The monitoring processes currently used make no substantive findings that students were deprived of FAPE or were not placed in the LRE. The majority of findings made are procedural in nature.

13

IV. Highlights

- Monitoring reports not consistently clear regarding the purpose of monitoring; primary purpose appears to be general school improvement.
- The reports are not consistently clear regarding the actual statutory requirement violated, the specific basis for findings of noncompliance, and the exact actions needed to correct noncompliance.
- The monitoring reports include "suggestions" for improvement on issues subject to statutory requirements.

10

IV. Highlights

- Findings contained in monitoring reports are not always supported by adequate evidence.
- Monitoring reports are not always issued in a timely manner.
- The distinction in monitoring reports between systemic and individual findings is clear in some instances, but not in others. Some "systemic" findings appear to be based on review of only one IEP.

11

IV. Related Recommendations

1. Eliminate Achievement Team (in FM) and accreditation information (PA) from IDEA compliance reporting.
2. Improve the clarity with which findings are reported.
3. Eliminate the practice of including "suggestions" related to IDEA compliance in FM and PA reports (such as conducting annual IEP meetings or developing IEP goals to address all areas of need).

12

V.

Do Corrective Action Plans (CAPs) set forth activities reasonably calculated to result in compliance? Are CAPs developed and approved in a timely manner? How is implementation of CAPs tracked? What process is used to verify the performance of corrective activities? Is the process adequate? What is the process of verifying that noncompliance has been corrected? Is the process adequate?

13

V. Highlights

- A number of concerns related to corrective actions for both individual and systemic findings of noncompliance, and the timeliness of corrective actions, are discussed and analyzed.
- Considered from the date of the monitoring report, the development of corrective action plans is timely.
- The tracking and verification of the implementation of corrective actions is not always thorough and consistent.

18

V. Highlights

- As the relevant documents were not made available to the evaluators, judgments could not be made regarding the adequacy of current processes for verifying the correction of noncompliance identified through the FM and PA processes.
- The processes for verification of the correction of noncompliance identified through monitoring related to indicators 11, 12 and 13 as described in the Annual Performance Report appear to be reliable.

19

V. Related Recommendations

1. Within each Corrective Action Plan, include an appropriate description of acceptable evidence of correction for each finding.
2. Eliminate use of the "Assurance Form" to address child-specific findings of noncompliance.
3. Ensure that both prongs of OSEP's Memo 09-02 are satisfied when conducting activities to verify correction of noncompliance.

20

V. Related Recommendations

4. Formalize the state's tracking and follow-up procedures for districts and facilities that are in Corrective Action Plans, and apply the procedures uniformly across the state.
5. For districts and facilities that are in danger of failing to correct noncompliance in a timely manner, establish a formal process allowing the state to intervene appropriately before the correction timeframe expires.

21

VI.

**Are enforcement steps taken when necessary?
If so, are those steps adequate to resolve the
identified noncompliance in a timely and
effective manner?**

10

VI. Highlights

- The state has improved since the 2004-05 school year at ensuring the correction of identified noncompliance within one year.
- Based on the few enforcement documents available to the evaluators, it is unclear that the four factors state regulations require NHDOE to consider when selecting enforcement action were in fact considered and, if so, to what extent. In addition, concerns are noted regarding the steps taken in one circumstance in which correction of noncompliance was not achieved within one year.

11

VI. Related Recommendations

1. Develop a set of decision rules used to determine appropriate enforcement actions based on the four criteria contained in state statute.
2. Develop and implement more meaningful enforcement actions for districts placed in the *Needs Substantial Intervention* determinations category and those failing to correct noncompliance within one year.

12

VII.

**What is the Department's process for making
annual determinations of public agencies
responsible for delivering special education
services? What standards are used? To what
extent do the standards used comport with the
requirements of the IDEA?**

13

VII. Highlights

- Report sets forth current standards used for LEA determinations.
 - Used Indicators 4, 9, 10, 11, 12, 15, and timeliness and accuracy of Table 6 and Indicator 7 data, and fiscal data.
- The state does not currently use performance indicators as part of its process of making determinations of local school districts.

10

VII. Related Recommendations

1. Use performance and compliance indicators from the State Performance Plan in making annual LEA determinations.
2. Solicit stakeholder input into the development of a formula by which LEA determinations will be made.

11

VIII.

Do statewide data show changes over time on performance and compliance indicators? Is there evidence that indicates that the monitoring and program approval processes are having a positive effect on student results/outcomes and on compliance with the program requirements? Does the state have an adequate system for verifying the accuracy of data?

12

VIII. Highlights

- Statewide data changes included in report. More improved than regressed.
- The analysis of 2007-08 through 2010-11 proficiency data suggests that the Focused Monitoring system is fulfilling the first purpose of increasing achievement of students with disabilities. This same data suggests, however, that the second purpose of narrowing the achievement gap is not being differentially impacted by the focused monitoring system.

13

VIII. Highlights

- The analysis of 2007-08 through 2010-11 placement data suggests that a majority of districts monitored through the Focused Monitoring system increased the percentage of students placed in the regular classroom between 2007-08 and 2010-11. However, a higher percentage of non-monitored districts increased the percentage of students placed in the regular classroom between 2007-08 and 2010-11.
- Concerns are raised regarding the accuracy of the state's placement data.

17

VIII. Related Recommendations

1. Develop a system for verifying the accuracy of the indicator data collected from districts.
2. Related to Recommendation 1, a special effort should take place to verify the accuracy of Indicator 5 data.

18

VIII. Related Recommendations

3. Examine the effectiveness of the FM process on the monitored districts.
4. Identify the "high-performing" focused monitored districts and determine why the FM process worked well for them.

19

IX.

Are staffing resources sufficient to implement a monitoring and program approval process capable of ensuring FAPE in the LRE and improved results/outcomes to NH students with disabilities?

20

IX. Highlights

- The evaluators cannot determine whether the total number of employees available for monitoring from the state and its vendor is adequate. It is reasonably clear that vendor staffing levels are sufficient to implement the FM and PA processes as those processes are currently constituted, and that state general supervision and monitoring staffing is lacking.

45

IX. Highlights

- There is no formal training for monitors.
- It is clear from the results of this evaluation that there are significant flaws in monitoring processes, and that correction of these deficiencies is likely to require staffing adjustments.

46

IX. Related Recommendations

1. Increase review team members' effectiveness by developing mandatory IDEA pre-visit training.
2. Review state restrictions on filling vacancies in the Bureau, and pursue state funding in support of additional staff if warranted.

47

Vendor and Contracting Issues

- Disadvantages of contracting out the Focused Monitoring and Program Approval monitoring processes are discussed, and specific concerns related to contracting with the current vendor are raised.

48

Related Recommendations

3. Reconsider the practice of contracting out the FM and PA processes in general, and reconsider contracting with SERESC.

10

Sample Drill-Down

- Percentage of Students with Learning Disabilities Who Scored Proficient on Regular Reading Test

State	30.9%
District	22.9%

11

Sample Drill-Down

- Percentage of Students with Learning Disabilities Who Scored Proficient on Regular Reading Test In the Resource Room

State	20.5%
District	12.0%

12

Sample Drill-Down

- Percentage of Students with Learning Disabilities Who Scored Proficient on Regular Reading Test In the Resource Room and In Grades 6-8

State	19.3%
District	5.9%

- Number of LD students in RR in grades 6-8 who did not score proficient on reading test = 93.

13

Display VIII-2: Explanation of Each Indicator

Indicator	Description
1 Graduation Rate	Percent of youth with IEPs graduating from high school with a regular diploma.
2 Drop Out Rate	Percent of youth with IEPs dropping out of high school.
3A Statewide Assessment	Percent of districts meeting the State's AYP objectives for progress for disability subgroup.
3B Participation Rate Reading	Participation rate of children with IEPs in reading.
3B Participation Rate Math	Participation rate of children with IEPs in math.
3C Proficiency Rate Reading	Proficiency rate of children with IEPs in reading.
3C Proficiency Rate Math	Proficiency rate of children with IEPs in math.
4A Suspension/Expulsion Rate, Overall	Percent of districts that had significant discrepancy in suspension/expulsion rates for greater than 10 days in a school year.
4B Suspension/Expulsion Rate, by Race/Ethnicity	Percent of districts that had significant discrepancy in suspension/expulsion rates by race/ethnicity for greater than 10 days in a school year.
5A LRE: Regular Classroom	Percent of children with IEPs age 6 to 21 removed from regular class less than 21% of the day.
5B LRE: Separate Classroom	Percent of children with IEPs age 6 to 21 removed from regular class greater than 60% of the day.
5C LRE: Separate Facilities	Percent of children with IEPs age 6 to 21 served in public or private separate schools, residential placements, or homebound or hospital placements.
7A1 Positive Social-Emotional SS1	Of those children with IEPs who entered the program below age expectations, the percent that substantially increased their rate of growth by the time they exited.
7A2 Positive Social-Emotional SS1	Percent of children with IEPs who were functioning within age expectations by the time they exited.
7B1 Knowledge and Skills SS1	Of those children with IEPs who entered the program below age expectations, the percent that substantially increased their rate of growth by the time they exited.
7B2 Knowledge and Skills SS2	Percent of children with IEPs who were functioning within age expectations by the time they exited.
7C1 Use of appropriate behaviors SS1	Of those children with IEPs who entered the program below age expectations, the percent that substantially increased their rate of growth by the time they exited.
7C2 Use of appropriate behaviors SS2	Percent of children with IEPs who were functioning within age expectations by the time they exited.
8 Parent Involvement	Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.
9 Disprop. I/E, Overall	Percent of districts with disproportionate representation of racial and ethnic groups in related services categories that is the result of inappropriate identification.
10 Disprop. I/E, Disability Category	Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.
11 Timely Evaluation	Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 45 days.
12 Transition from Part C to Part B	Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.
13 Transition Planning on IEP by Age 16	Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.
14 Post-secondary Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in post-secondary education/training or employed.
14A Measurement A	Percent of youth enrolled in higher education within one year of leaving high school;
14B Measurement B	Measurement A plus percent of youth competitively employed within one year of leaving high school.
14C Measurement C	Measurement A plus Measurement B plus percent of youth enrolled in any other type of post-secondary education/training or employed in any other type of employment.
20 Timely and Accurate Data	Percent of state-reported data that are timely and accurate.

Addendum E
New Hampshire Special Education
SPP Indicator Data Over Time

Indicator	2004-05 Rate	2005-06 Rate	2006-07 Rate	2007-08 Rate	2008-09 Rate	2009-10 Rate	2010-11 Rate	2010-11 Rate minus 2007-08 Rate*	Improve- ment?
1 Graduation Rate	73.00%	72.00%	75.00%	70.93%	71.00%	91.11%	71.56%	0.63	Yes
2 Drop Out Rate	3.80%	3.90%	3.00%	3.86%	4.53%	2.30%	0.67%	-3.19	Yes
3A Statewide Assessment	42.00%		41.00%	35.29%	33.58%	24.63%	28.47%	-6.82	No
3B Participation Rate Reading	96.18%	97.24%	98.80%	97.81%	98.21%	97.71%	98.51%	0.70	Yes
3B Participation Rate Math	96.18%	96.64%	98.60%	97.62%	97.94%	97.81%	98.41%	0.79	Yes
3C Proficiency Rate Reading	33.45%	41.49%	29.12%	31.88%	35.18%	38.45%	37.33%	5.45	Yes
3C Proficiency Rate Math	44.59%	31.81%	28.36%	26.93%	29.22%	33.96%	31.46%	-4.53	Yes
4A Suspension/ Expulsion Rate, Overall	1.70%	2.26%	3.70%	4.32%	4.32%	2.87%	3.45%	-0.87	Yes
4B Suspension/ Expulsion Rate, by Race/Ethnicity						0.00%	0.00%	0.00	Maintain
5A LRE: Regular Classroom	75.50%	76.30%	65.03%	51.70%	45.02%	48.71%	72.62%	20.92	Yes
5B LRE: Separate Classroom	3.30%	3.20%	13.34%	22.62%	26.98%	19.18%	8.56%	-14.06	Yes
5C LRE: Separate Facilities	4.30%	4.30%	4.00%	3.20%	3.20%	2.82%	2.67%	-0.53	Yes
7A1 Positive Social-Emotional SS1					63.80%	66.32%	69.62%	5.82	Yes
7A2 Positive Social-Emotional SS2					82.10%	71.28%	68.41%	-13.69	No
7B1 Knowledge and Skills SS1					65.70%	67.13%	73.00%	7.30	Yes
7B2 Knowledge and Skills SS2					75.80%	53.44%	50.75%	-25.05	No
7C1 Use of appropriate behaviors SS1					78.70%	68.52%	67.97%	-10.73	No
7C2 Use of appropriate behaviors SS2					78.70%	63.08%	55.23%	-23.47	No
8 Parent Involvement		70.50%	71.68%	32.06%	44.74%	47.16%	50.20%	18.14	Yes
9 Disprop. R/E, Overall		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00	Maintain
10 Disprop. R/E, Disability Category		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00	Maintain
11 Timely Evaluation		81.10%	95.00%	76.84%	80.81%	94.55%	95.73%	18.89	Yes
12 Transition from Part C to Part B	58.96%	88.26%	66.00%	92.01%	94.59%	96.54%	97.72%	5.71	Yes
13 Transition Planning on IEP by Age 16		75.00%	40.00%	56.10%		47.37%	50.91%	-5.19	No
14 Post-secondary Outcomes			87.00%	91.24%					
14A Measurement A						43.24%	54.43%	11.19	Yes
14B Measurement B						70.29%	75.74%	5.45	Yes
14C Measurement C						82.65%	87.87%	5.22	Yes
20 Timely and Accurate Data	100.00%	95.00%	85.60%	88.74%	90.47%	92.86%	100.00%	11.26	Yes

* Indicator 7 is 2010-11 rate minus 2008-09 rate. Indicator 14 is 2010-11 rate minus 2009-10 rate.

The shaded cells indicate the current designated baseline.

Display VIII-3: Indicator 3C – Changes in Proficiency Rates 2007-08 to 2010-11

	Districts Monitored in:				All Monitored Districts	Monitored Districts 07-08 through 09-10	Non-Monitored Districts
	07-08	08-09	09-10	10-11			
<i>Number of Districts</i>	7	6	6	5	24	19	112
Reading Proficiency							
Average 3C reading proficiency in 2010-11	29.43%	30.00%	35.83%	35.80%	32.50%	31.63%	43.58%
Average 3C reading proficiency in 2007-08	24.71%	18.83%	21.67%	32.00%	24.00%	21.89%	36.83%
Average difference in 3C reading proficiency (20010-11 minus 2007-08)	4.71	11.17	14.17	3.80	8.50	9.74	6.75
Percent of Districts with Increased Proficiency in Reading from 2007-08 to 2010-11	100.00%	83.33%	100.00%	60.00%	87.50%	94.74%	71.43%
Math Proficiency							
Average 3C Math proficiency in 2010-11	21.71%	25.17%	30.83%	29.40%	26.46%	25.68%	36.96%
Average 3C Math proficiency in 2007-08	20.26%	17.83%	20.17%	27.00%	21.04%	19.47%	31.56%
Average difference in 3C Math proficiency (20010-11 minus 2007-08)	1.43	7.33	10.67	2.40	5.42	6.21	5.40
Percent of Districts with Increased Proficiency in Math from 2007-08 to 2010-11	71.43%	83.33%	100.00%	40.00%	75.00%	84.21%	69.64%

Note: One district was monitored in both 2009-10 and 2010-11. It is counted only in the 2009-10 year.

Display VIII-4: Indicator 3C – Changes in Proficiency Rates and the Achievement Gap from 2007-08 to 2010-11

	Districts Monitored in:				All Monitored Districts	Monitored Districts 07-08 through 09-10	Non-Monitored Districts
	07-08	08-09	09-10	10-11			
Number of Districts	7	6	6	5	24	19	113
IEP Proficiency							
Percent of Districts that Increased Proficiency in Reading from 2007-08 to 2010-11	100.00%	83.33%	100.00%	60.00%	87.50%	94.74%	71.68%
Percent of Districts that Increased Proficiency in Math from 2007-08 to 2010-11	71.43%	83.33%	100.00%	40.00%	75.00%	84.21%	69.64%
Non-IEP Proficiency							
Percent of Districts that Increased Proficiency in Reading from 2007-08 to 2010-11	100.00%	66.67%	100.00%	80.00%	87.50%	89.47%	85.84%
Percent of Districts that Increased Proficiency in Math from 2007-08 to 2010-11	100.00%	100.00%	66.67%	100.00%	91.67%	89.47%	74.11%
Closing the Gap Between Non-IEP and IEP Proficiency Rates							
Percent of Districts that Decreased Gap in Reading Proficiency Rates from 2007-08 to 2010-11	28.57%	50.00%	66.67%	20.00%	41.67%	47.37%	48.67%
Percent of Districts that Decreased Gap in Math Proficiency Rates from 2007-08 to 2010-11	0.00%	33.33%	66.67%	40.00%	33.33%	31.58%	41.96%
Proficiency and Closing the Gap							
Percent of Districts that Increased IEP Reading Proficiency and Closed Reading Gap	28.57%	50.00%	66.67%	20.00%	41.67%	47.37%	46.90%
Percent of Districts that Increased IEP Math Proficiency and Closed Math Gap	0.00%	33.33%	66.67%	40.00%	33.33%	31.58%	40.18%

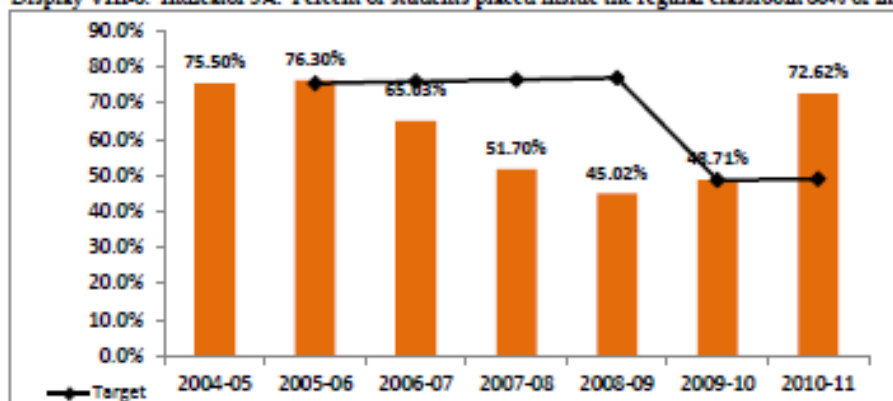
Note: One district was monitored in both 2009-10 and 2010-11. It is counted only in the 2009-10 year.

Display VIII-7: LRE Data

	Districts Monitored in:				All Monitored Districts	Monitored Districts 07-08 through 09-10	Non-Monitored Districts
	07-08	08-09	09-10	10-11			
Number of Districts	7	6	5	5	23	18	141
LRE							
Average 5A percent in 2010-11	75.15%	69.77%	72.44%	70.17%	72.08%	72.61%	75.12%
Average 5A percent in 2007-08	45.23%	56.10%	61.54%	45.56%	51.68%	53.38%	49.79%
Average difference in 5A (2010-11 - 2007-08)	29.92	13.67	10.90	24.61	20.39	19.22	25.33
Percent of Districts with increased LRE in the regular classroom from 2007-08 to 2009-10	100.00%	66.67%	60.00%	100.00%	82.61%	77.78%	90.78%

Note: One district was monitored in both 2009-10 and 2010-11. It is counted only in the 2009-10 year.

Display VIII-8: Indicator 5A: Percent of students placed inside the regular classroom 80% or more of the day



Display VIII-9: Indicator 5B: Percent of students placed inside the regular classroom less than 40% of the day

